

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

270

CRM-M No. 3658 of 2024

Date of Decision: 29.02.2024

Hemraj and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Lakhwinder Ram, Advocate for
Mr. Naveen Kumar Kuhad, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Sikandh Mehta, Advocate for
Mr. Raghav Bali, Advocate for respondents No. 2 and 3.

HARPREET SINGH BRAR, J.(ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.308 dated 02.08.2022 under Sections 323/324/34/506 of IPC registered at Police Station Hansi Sadar, District Hansi (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 21.12.2023 (Annexure P-2).

2. The following order was passed on 23.01.2024:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.308 dated 02.08.2022 under Sections 323/324/34/506 of IPC registered at Police Station Hansi Sadar, District Hansi (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 21.12.2023 (Annexure P-2).

Notice of motion.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Raghav Bali, Advocate accepts notice for respondents No.2 & 3 and files his memorandum of appearance and admits to the factum of compromise and

undertakes to file his vakalatnama before the next date of hearing. Copy of the paper book be supplied to them during the course of day. Learned counsel appearing for respondents No.2 & 3 is directed to file his power of attorney on or before the next date of hearing with the Registry of this Court.

Service is complete.

Now the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 29.02.2024.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

3. In compliance of the order dated 23.01.2024, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone. However, the statement of only respondent No. 2 was recorded and respondent No. 3 did not appear. Learned counsel for respondents No. 2 and 3 submits that respondents No. 2 and 3 are brothers and he has no objection in case the FIR (supra) is quashed on the basis of compromise. The compromise (Annexure P-2) was signed by respondent No. 3.

4. In view of the compromise and the ratio of law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No.308 dated 02.08.2022 under

Sections 323/324/34/506 of IPC registered at Police Station Hansi Sadar,

District Hansi (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

29.02.2024

(HARPREET SINGH BRAR)

Rajeev (rvs)

JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No