



Sr. No.298

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8742-2024
Date of decision: 29th May, 2024

RAJESH BARDU @ RAJESH KUMAR
AND OTHERSPetitioners

versus

STATE OF HARYANA AND OTHERSRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ajay Vijarania, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Sumit Sangwan, Advocate
for respondents No.2 and 3.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.13 dated 21.01.2024, under Sections 323, 34, 354-A(2), 427, 506 IPC, 1860 and Section 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Civil Lines, Bhiwani, District Bhiwani (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 07.02.2024 (Annexure P-2), executed between the parties.
2. On 14.03.2024, following order was passed by this Court:-

“xxx xxx xxx xxx

Learned counsel for the petitioners inter alia contends that the matter has been mutually settled inter se the petitioners and respondents No.2 and 3 and compromise (Annexure P-2) has been executed between them. He further contends that both the parties belong to legal fraternity and practicing in District Court, Bhiwani. He submits that both the parties want to have cordial relations with each other, as such, respondent No.2 does not want to take any action in the present FIR.



Notice of motion.

On the asking of the Court, Mr. Amrik Singh Narwal, DAG, Haryana accepts notice on behalf of respondent No.1-State. He has informed that the matter is still under investigation.

Mr. Vijay Sangwan, Advocate has put in appearance on behalf of respondents No.2 and 3 and filed his power of attorney, which is taken on record. He confirms about factum of compromise between the parties.

The State to file objections, if any; and also to verify as to whether all the accused in the present FIR/case have been arrayed as a party in the present petition and as to whether any of the accused has been declared as proclaimed offender. State may file reply/status report.

Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 29.05.2024.

The parties are directed to appear before the trial Court/Illaq Magistrate up-to 16.04.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing:-

I. Whether a genuine compromise has been arrived at between all the affected parties?

II. Whether the complainant, all the injured/victim and all the accused are party to the compromise?

III Whether during investigation, any additional accused has been added and he/she is a party to the compromise?

IV Whether any accused is a Proclaimed Offender?

V Whether after the registration of the FIR any offence was added or deleted during investigation?

VI Whether investigation is pending against any of the accused or any accused has been declared as innocent?

xxx xxx xxx xxx”

3. In compliance of the aforesaid order, report dated 23.04.2024 has been received from the Judicial Magistrate Ist Class, Bhiwani, through District and Sessions Judge, Bhiwani, as per which, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. As per the statement of Investigating Officer, there are two victims in the present case

namely Pxxx and Axxx. Pxxx is the first informant-respondent No.2 and 03

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I attest to the accuracy and
integrity of this order/judgment.



persons are named by her in the FIR. The statements of both the victims and all the 03 accused persons/petitioners have been recorded. No other additional accused has been added during the investigation. The petitioners have not been declared as “Proclaimed Offender” and they are not involved in any other criminal case.

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.13 dated 21.01.2024, under Sections 323, 34, 354-A(2), 427, 506 IPC, 1860 and Section 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Civil Lines, Bhiwani, District Bhiwani (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

5. However, the respondent No.2/complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 07.02.2024 (Annexure P-2) are violated.

6. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

29th May, 2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No