



223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17929-2024 (O&M)
Date of decision: 21.05.2024

ROHIT AND OTHERS

...PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Monish Soni, Advocate
for the petitioner.
Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Dharamvir Sharma, Advocate
for respondents No. 2 to 5.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 68 dated 25.02.2023 under Sections 323, 325, 307, 354-B, 506 read with Section 34 of IPC, registered at Police Station Sector 9A, District Gurugram and all consequential proceedings arising therefrom on the basis of memorandum of settlement dated 22.03.2024 (Annexure P-2) arrived at between the petitioner and respondent No. 2/complainant.

2. The following order was passed on 15.04.2024:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.68 dated 25.02.2023 under Sections 323, 325, 307, 354-B, 506 read with Section 34 of IPC, registered at Police Station Sector 9A, District Gurugram (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 22.03.2024 (Annexure P-2).

Learned counsel for the petitioners, inter alia, contends that the petitioners as well as respondents No.2 to 5 are neighbours and the incident, on the basis of which FIR (supra) was registered, happened at the spur of the moment and admittedly,



perusal of the FIR (supra) clearly indicates that factual ingredients of Section 307 of IPC are missing and once prima facie case under Section 307 of IPC is not made out, FIR (supra) can be quashed on the basis of compromise in view of ratio of law laid down by the Hon'ble Supreme Court in The State of Madhya Pradesh Vs. Laxmi Narayan and others, 2019 (5) SCC 688.

Notice of motion for 15.05.2024.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Suresh Kumar Kaushik, Advocate accepts notice for respondents No.2 to 5 and files his Vakalatnama, which is taken on record. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaqa Magistrate within two weeks from today or any other date convenient to the trial Court/Illaqa Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa 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. 15.05.2024.

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

4. On 15.05.2024, following order was passed:

“In pursuance to the order issued by this Court on 15.04.2024, the report of the concerned jurisdictional Magistrate has been received, in which, it has been indicated that petitioner No.2-Rahul has been declared proclaimed offender in two criminal cases.

Learned counsel for the petitioners submits that petitioner No.2 has been acquitted in one case and in another case, he has undergone the entire sentence under Section 174-A IPC. The detail of the cases has been handed over to learned State counsel, who seeks time to verify the same.

At request, adjourned to 21.05.2024.”

5. Learned State counsel on instructions from SI Sanjeev Kumar submits that veracity of the fact that petitioner No. 2 has been declared proclaimed offender in two criminal cases has been verified and it has been found

that he has been acquitted in one case and has undergone the already undergone sentence in the other case and as such there is no impediment in quashing of the FIR(Supra) on the basis of compromise.

3. In compliance of the order dated 15.04.2024, 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.

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 (CrI.) 1052**, this petition is allowed and FIR No. 68 dated 25.02.2023 under Sections 323, 325, 307, 354-B, 506 read with Section 34 of IPC, registered at Police Station Sector 9A, District Gurugram and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

May 21, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No