



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-24218-2024

Date of decision: 22.07.2024

Pankaj and others

....Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Johan Kumar, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. S.K. Bhar, Advocate for respondent No.2.

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.152 dated 29.10.2017 under Sections 323, 376, 377, 406, 498-A, 506, 511 and Section 354-A(1) IPC 1860 added later on, registered at Police Station, Kheripul, Faridabad, District Faridabad (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 11.03.2024 (Annexures P-2 and P-3).

2. The following order was passed on 14.05.2024:

“This petition has been filed for quashing of FIR No.152 dated 29.10.2017 under Sections 323, 376, 377, 406, 498-A, 506, 511 and Section 354-A(1) IPC-1860 added later on registered at Police Station, Kheripul, Faridabad, District Faridabad (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 11.03.2024 (Annexures P-2 and P-3) arrived at between the parties.

Counsel for the petitioner has mentioned in memo of parties of the petition that the petitioners have not been declared as proclaimed



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persons.

Notice of motion.

Mr. Arjun Lakhanpal, Addl., A.G., Haryana accepts notice on behalf of respondent No.1-State and Mr. Sanjeev Kumar Bhar, Advocate accepts notice on behalf of respondent No.2 and has filed his Memorandum of Appearance. The same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa/Duty Magistrate on 05.06.2024 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaqa/Duty Magistrate shall submit its report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in this case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 22.07.2024.

Vakalatnama be also filed on behalf of respondent No.2 on the next date of hearing.”

3. In compliance of the aforesaid order, 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 (Crl.) 1052**, this petition is allowed and FIR No.152 dated 29.10.2017 under Sections 323, 376, 377, 406, 498-A, 506, 511 and Section 354-A(1) IPC-1860 added later on, registered at Police Station, Kheripul, Faridabad, District Faridabad (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

22.07.2024
amandeep

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No