

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-25945-2023(O&M)
Date of decision: 05.01.2024

Sushil Kumar @ Kaku and othersPetitioners.

Versus

State of Haryana and anotherRespondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. R.S. Mamli, Advocate
for the petitioners.

Mr. Vishal Malik, DAG Haryana.

Mr. Deepak Kumar, Advocate
for respondent No.2.

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SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners seek quashing of FIR (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 03.03.2023 (Annexure P-2) executed between the parties. Details of the FIR are as follows:

FIR No.	Dated	Sections	Police Station
0046	12.03.2021	148, 149, 308, 323, 380, 427, 458 and 506 IPC	Ismailabad, District Kurukshetra

2. With the intervention of respectables and elderly people of the society, the parties have arrived at a settlement vide compromise deed dated 03.03.2023 (Annexure P-2), which is duly signed by them. The matter was referred to the Court below for recording of statements of the parties and to

report with respect to genuineness of the compromise arrived at between the parties.

3. Learned Additional Sessions Judge, Kurukshetra, vide report dated 12.09.2023 has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure. A perusal of the report transpires that initially FIR was registered against the four accused, namely, Sushil Kumar @ Kaku, Anand Pal, Hritik Sangwan @ Kitti and Sagar. However, after issuance of warrants of arrest on 24.04.2023, proclamation proceedings were initiated against the accused, namely, Sagar S/o Satish Kumar on 04.09.2023 and instant petition has been preferred qua three petitioners only, namely, Sushil Kumar @ Kaku, Anand Pal, Hritik Sangwan @ Kitti.

4. Respondent No. 2 is represented by his counsel and does not oppose the compromise.

5. In view of the report of the learned Additional Sessions Judge, Kurukshetra, vide report dated 12.09.2023 and in view of the decision of the Hon'ble Supreme Court in "*Gian Singh Vs. State of Punjab and another*", 2012(4) RCR (Criminal) 543 and "*Narinder Singh and Others Vs. State of Punjab and Another*", (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners.

6. Keeping in view the fact that initially the FIR was registered against the four accused, namely, Sushil Kumar @ Kaku, Anand Pal, Hritik Sangwan @ Kitti and Sagar and out of which, proclamation proceedings had

been initiated against Sagar on 04.09.2023, hence, the present petition is allowed qua present petitioners i.e. Sushil Kumar @ Kaku, Anand Pal, Hritik Sangwan @ Kitti only. FIR No. 0046 dated 12.03.2021, under Sections 148, 149, 308, 323, 380, 427, 458 and 506 IPC, registered at Police Station Ismailabad, District Kurukshetra (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioners only.

05.01.2024

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i)Whether speaking/reasoned?

Yes/No

ii)Whether reportable?

Yes/No

(SANJIV BERRY)
JUDGE