

**Sr. No.310****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-27753-2024****Date of decision: 07th August 2024****RAVINDER KUMAR****.....Petitioner****versus****STATE OF HARYANA AND ANOTHER****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Kushagra Beniwal, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

Mr. Mohit Saini, Advocate
for respondent No.2/complainant.

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.355 dated 13.07.2022, under Sections 313, 323, 406, 498-A, 506 IPC, 1860 (Section 313 IPC deleted later on), registered at Police Station Thanesar City, District Kurukshetra (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 26.05.2024 (Annexure P-2), executed between the parties.

2. This Court, vide order dated 29.05.2024, had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

3. Pursuant to the aforesaid order, the parties have appeared before the Chief Judicial Magistrate, Kurukshetra and got their statements recorded. On the basis of the statements so recorded, the learned Magistrate has submitted report dated 02.07.2024 with the following observations:-



“xxx xxx xxx xxx

I. The compromise so arrived between the parties is genuine and is not result of any pressure or coercion in any manner.

II. As per the statement of Investigating Officer, there is only one complainant namely Rimpal and one accused namely Ravinder Kumar and both of them are party to the compromise.

III. As per statement of Investigating Officer, during investigation no additional accused has been added.

IV. No accused has been declared as a Proclaimed Offender?

V. As per statement of Investigating Officer no offence was added, however, Section 313 IPC has been deleted during Investigation.

VI. As per statement of Investigating Officer, investigation is not pending against any of the accused, however, during investigation accused persons namely Bala, Sultan Singh and Manisha have been found to be innocent and hence, they were not challaned by the police and their names have been mentioned in column No. 2 of the challan.

xxx xxx xxx xxx”

4. Learned State counsel has no objection with the acceptance of the present petition. He has informed that the case is at an initial stage and after framing of charges, only one witness has been examined.

5. Mr. Mohit Saini, Advocate has put in appearance on behalf of respondent No.2 and filed his ‘vakalatnama’, which is taken on record. He has confirmed the factum of compromise between the parties and submits that the parties are living together. He has no objection with the acceptance of the present petition.

6. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

7. Following the principles laid down by the Full Bench judgment of this Court in “Kulwinder Singh and others Versus State of Punjab and another 2007”



(3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in “Gian Singh Versus State of Punjab and others” (2012) 10 SCC 303, the present petition is allowed and FIR No.355 dated 13.07.2022, under Sections 313, 323, 406, 498-A, 506 IPC, 1860 (Section 313 IPC deleted later on), registered at Police Station Thanesar City, District Kurukshetra (Annexure P-1) and all subsequent proceedings arising therefrom are ordered to be quashed qua the petitioner.

8. 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 26.05.2024 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

07th August 2024
simran

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