

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-29770-2023

Date of decision: 22.04.2024

ASEEM AND ANR

....PETITIONERS

Versus

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: - Mr. Ravi Malik, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Sanjeev Kumar, Advocate
for respondent Nos. 2 and 3.

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. 326 dated 05.09.2022 registered under Sections 323/354/354-B/509 and 34 of Indian Penal Code at Police Station Sadar Jhajjar, District Jhajjar, Haryana (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 30.05.2023 (Annexure P-2).

2. The following order was passed on 03.07.2023:-

“The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.326 dated 05.09.2022 under Sections 323, 354, 354-B, 509 and 34 of the Indian Penal Code, 1860 registered at Police Station Sadar Jhajjar, District Jhajjar, Haryana and all other consequential proceedings arising there-from on the ground that the parties have since compromised the matter vide settlement deed dated 30.05.2023 (Annexure P-2).

Notice of motion.

On the asking of the Court, Mr. Naveen Singh Panwar, DAG Haryana accepts notice on behalf of respondent No.1-State. Mr. Sanjeev Kumar, Advocate accepts notice for respondent Nos.2 and 3. Copy of the petition has already been supplied to both the counsel.

*Learned counsel for the petitioners would contend that the dispute between the parties has since been settled and they have entered into a written compromise dated 30.05.2023 which has been appended with the present petition as Annexure P-2. Learned counsel for the petitioners has relied upon the judgment by the Hon'ble Supreme Court rendered in "**Gian Singh V/s State of Punjab & Anr.**" [2012 (10) SCC 303] and the Larger Bench's judgment of this Court in "**Kulwinder Singh & Ors. Vs. State of Punjab & Anr.**" [2007 (3) RCR (Criminal) 1052].*

Learned counsel appearing for respondent Nos.2 and 3 has stated that the parties have voluntarily entered into a compromise and that the compromise is annexed as Annexure P-2 with the petition. He further states that respondent Nos.2 and 3 have no objection if the aforesaid FIR is quashed.

List on 25.09.2023.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 07.08.2023, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:

- 1) Whether the settlement/compromise dated 30.05.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether any other criminal cases are pending against the parties.*

3) Whether any proclamation proceedings are pending against either of the parties.”

3. In compliance of the above 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. 326 dated 05.09.2022 registered under Sections 323/354/354-B/509 and 34 of Indian Penal Code at Police Station Sadar Jhajjar, District Jhajjar, Haryana (Annexure P-1) and compromise dated 30.05.2023, all subsequent proceedings arising out of the same are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

22.04.2024
Anu

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