

261 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-33336-2023 (O&M)

Date of Decision: 05.02.2024

RAHUL CHIKKARA AND OTHERS

...Petitioner

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the private parties.

Mr. Vikas Bhardwaj, AAG Haryana.

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. 32 dated 13.01.2022 registered under Sections 148, 149, 323 and 506 of Indian Penal Code at Police Station Sonipat Sadar, District Sonipat and all subsequent proceedings arising therefrom in view of the compromise dated 05.07.2023 (Annexure P-2).

2. The following order was passed on 24.08.2023:

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.32 dated 13.01.2022 under Sections 148, 149, 323 and 506 of IPC registered at Police Station Sonipat Sadar, District Sonipat (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 05.07.2023 (Annexure P-2).

Notice of motion.

On asking of the Court, Mr. Ramender Singh Chauhan, AAG, Haryana, accepts notice on behalf of respondent No.1-State. Mr. Amandeep Singh Rai, Advocate has put in appearance on behalf of

respondent No.2 and has filed his 'Vakalatnama', which 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 Magistrate/trial Court on 26.07.2023 for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the 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/P.O. in the 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;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any accused is involved in any other criminal case.*

Report of the Illaqa Magistrate/trial Court be awaited for 05.09.2023."

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

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of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Cr1.) 1052**, this petition is allowed and FIR No. 32 dated 13.01.2022 registered under Sections 148, 149, 323 and 506 of Indian Penal Code at Police Station Sonipat Sadar, District Sonipat and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

05.02.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

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