

CRM-M-33766-2023
Date of decision: 12.03.2024

...PETITIONER

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Paramjeet Phor, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Aman Kumar, Advocate for
Mr. Punit Malik, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.473 dated 04.11.2021, under Sections 323 and 324 IPC, registered at Police Station Taraori, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 31.05.2023 (Annexure P-2).

2. The following order was passed on 17.07.2023 :-

“This is a petition under Section 482 Cr.P.C. for quashing of FIR No.473 dated 04.11.2021, under Sections 323 and 324 IPC, registered at Police Station Taraori, District Karnal (Annexure P-1) on the basis of compromise/settlement entered into between the parties dated 31.05.2023 (Annexure P-2), which is also acknowledged by the affiliated dated 07.07.2023 (Annexure P-3) of complainant-respondent No.2.

Learned counsel for the petitioner submits that no prosecution witness has been examined till date and in view of compromise arrived at between the parties, complainant is not supporting the prosecution. The quashing of FIR in question

would also ensure peace, tranquility and brotherhood in the village.

Notice of motion.

On advance notice, Mr. Gurbir S. Dhillon, A.A.G., Haryana, puts in appearance on behalf of respondent No.1-State and waives service.

Mr. Punit Malik, Advocate, has put in appearance on behalf of complainant-respondent No.2 and filed his Power of Attorney, which is taken on record. He acknowledges the compromise arrived at between the parties and affidavit executed in support thereof, which are appended alongwith this petition as Annexures P-2 and P-3, respectively.

In view of the above, both the parties are directed to appear before the concerned trial Court/Duty Magistrate for recording their statements on 28.07.2023 or any other date convenient to the concerned Court. The statement of Investigating Officer be also recorded on the same day, who would also identify the parties appearing before the Court. The original compromise shall be produced before the Court at the time of recording statement of the parties.

The concerned Court is directed to submit a report on or before the next date of hearing, containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed person?*
- 3. Whether all the accused/petitioner(s) is/are appearing before the Court?*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 5. Whether the accused/petitioner(s) is/are involved in any other FIR or not?*
- 6. The trial Court/Illaq Magistrate/Duty Magistrate is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

The State to file status report before the next date.

List on 28.11.2023.”

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 of this Court in *Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (CrL) 1052*, this petition is allowed and FIR No.473 dated 04.11.2021, under Sections 323 and 324 IPC, registered at Police Station Taraori, District Karnal (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

March 12, 2024

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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |