



259 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35978-2024 (O&M)
Date of Decision: 29.08.2024

ASHISH KUMAR AND ANOTHER
V/S
STATE OF HARYANA AND ANOTHER
...PETITIONERS
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pradeep Duhan, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Deepender Pratap Singh, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.151 dated 07.05.2024 under Sections 307/323/34/354-A/506 of IPC (Sections 341/354 of IPC added later on) registered at Police Station Sampla, District Rohtak, Haryana (Annexure P-1) along with all subsequent proceedings arising therefrom including final report under Section 173 Cr.P.C. on the basis of compromise dated 05.06.2024 (Annexure P-2).

2. The following order was passed on 29.07.2024:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.151 dated 07.05.2024 under Sections 307/323/34/354-A/506 of IPC (Sections 341/354 of IPC added later on) registered at Police Station Sampla, District Rohtak, Haryana (Annexure P-1) along with all subsequent proceedings arising therefrom including final report under Section 173 Cr.P.C. on the basis of compromise dated 05.06.2024 (Annexure P-2).



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Learned counsel for the petitioners inter alia contends that the parties have amicably resolved their dispute and effected compromise. Moreover, perusal of the record and the case set up by the prosecution clearly indicates that no injury breaching the threshold of Section 307 of IPC has been found on the person of the complainant. According to the medico legal report, he suffers pain and swelling with blunt weapon and, as such, no offence under Section 307 of IPC is made out. He further submits that case of the petitioner is squarely covered by the ratio of law as laid down in the judgment of the Hon'ble Supreme Court passed in 'The State of Madhya Pradesh Vs. Laxmi Narayan and others' 2019 (5) SCC 688.

Notice of motion for 29.08.2024.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to her during the course of day. Learned counsel for the petitioners undertakes to secure the presence of respondent No.2 before the learned trial Court at the time of recording the statement.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 29.08.2024.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance."

3. In compliance of the aforesaid 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.151 dated 07.05.2024 under Sections 307/323/34/354-A/506 of IPC (Sections 341/354 of IPC added later on) registered at Police Station Sampla, District Rohtak, Haryana (Annexure P-1) along with all subsequent proceedings arising therefrom including final report under Section 173 Cr.P.C. are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

29.08.2024

Ajay Goswami

(i) Whether speaking/reasoned
(ii) Whether reportable

Yes/No
Yes/No