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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38014-2024
Date of decision: 01.10.2024

VIJAY KUMAR PHOGAT

...Petitioner(s)

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N. S. SHEKHAWAT

Present: Mr. Ravinder Phogat, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mrs. Meenu, Advocate for
Mr. Ajay Poonia, Advocate
for respondent No.2.

N. S. SHEKHAWAT, J. (Oral)

The instant petition has been filed under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 for quashing of an FIR No. 436 dated 04.11.2017 under Section 389 of IPC and (Section 34 IPC added later on) registered at Police Station Dadri City, District Charkhi Dadri (Annexure P-1) alongwith all the consequential proceedings arising therefrom on the basis of compromise dated 22.09.2023 (Annexure P-3).

Vide order dated 04.09.2024 while issuing notice of motion, this Court had directed the parties to appear before the Illaqa Magistrate/trial Magistrate for getting their statements recorded with respect to the compromise dated 22.09.2023 (Annexure P-3).



Pursuant to aforesaid order, the parties have appeared before the Chief Judicial Magistrate, Charkhi Dadri and got their statements recorded. Report dated 27.09.2024 has been received whereby after recording the statements of the parties, the Court below has shown its satisfaction that the compromise is genuine, voluntary and without any coercion or undue influence.

I have heard counsel for the parties and gone through the case file.

In the light of the satisfaction shown by the Court below and considering the offence for which the accused have been charged are not of serious nature, together with the fact that compromise will go a long way in ironing out the differences for betterment of future life of the parties and also in view of the law laid down in **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and **Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052**, the present petition for quashing the FIR is allowed qua the petitioner.

Resultantly, FIR No. 436 dated 04.11.2017 under Section 389 of IPC and (Section 34 IPC added later on) registered at Police Station Dadri City, District Charkhi Dadri (Annexure P-1) alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

01.10.2024
M.Sikka

(N. S. SHEKHAWAT)
JUDGE

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