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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50132-2023 (O&M)
Date of decision: 19.04.2024

RAJNISH KUMAR

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kapish Singla, Advocate for
Mr. Ashit Malik, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Gautam Kumar, Advocate
for respondent No. 2.

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. 807 dated 17.09.2016 registered under Sections 323, 498-A, 506, 377, 328 and 34 of Indian Penal Code at Police Station City Thanesar, District Kurukshetra and all subsequent proceedings arising therefrom on the basis of compromise dated 16.09.2023 (Annexure P-2).
2. The following order was passed on 18.01.2024:

“CRM-1447-2024
This is an application for placing on record the document Annexure P-5 and exemption from filing certified copy of the same.

For the reasons mentioned in the application, the same is allowed. Document Annexures P-5 is taken on record.

CRM-42005-2023
This is an application for exemption from filing certified copies of Anexures P-1 to P-4. The same is allowed as prayed for.

CRM-M-50132-2023
The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR

No.807 dated 17.09.2016 under Sections 323, 498A, 506, 377,328 and 34 of the Indian Penal Code, 1860 registered at Police Station City Thanesar, District Kurukshetra, and all other consequential proceedings arising there-from on the ground that the parties have since compromised the matter vide compromise deed dated 16.09.2023 (Annexure P-2).

Learned counsel for the petitioners would contend that the parties have since compromised the matter and the compromise deed dated 16.09.2023 has been appended with the present petition as Annexure P-2.

Notice of motion.

On the asking of the Court, Ms. Kanica Sachdeva waives service on behalf of respondent No.1-State. Mr. Gautam Kumar, Advocate accepts notice for respondent No.2. Copy of the petition has already been supplied to both the counsel.

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

List on 19.04.2024.

*Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on **12.02.2024**, 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 a 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 16.09.2023 (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 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. 807 dated 17.09.2016 registered under Sections 323, 498-A, 506, 377, 328 and 34 of Indian Penal Code at Police Station City Thanesar, District Kurukshetra and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

April 19, 2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

(i) Whether speaking/reasoned

Yes/No

(ii) Whether reportable

Yes/No