

278 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-52816-2023 (O&M)

Date of Decision: 20.02.2024

VINOD KUMAR AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Brar, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Harkaran Singh, Advocate for
Mr. I.S. Brar, 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. 299 dated 09.09.2023 registered under Sections 148, 149, 323, 427, 506 of Indian Penal Code at Police Station Chhapar, District Yamuna Nagar and all subsequent proceedings arising therefrom in view of the compromise 07.10.2023 (Annexure P-2).

2. The following order was passed on 05.12.2023:

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.0299 dated 09.09.2023, under Sections 148, 149, 323, 427, 506 IPC, registered at Police Station Chhapar, District Yamuna Nagar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 07.10.2023, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that FIR is an outcome of a petty altercation between the parties, which has been amicably settled by compromise, Annexure P2.

Notice of motion.

On asking of the Court, Mr.Ramender Singh Chauhan, AAG, Haryabna, accepts notice of behalf of State-respondent No.1.

Mr.I.S. Brar, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. He has filed Power of Attorney, which is taken on record. He has admitted the factum of compromise and supports the prayer made in the petition.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 15.01.2024 or on any day thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing 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 other criminal case is pending against the accused.*

Report of the Area Magistrate/Trial Court be awaited for 20.02.2024.”

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**

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(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. 299 dated 09.09.2023 registered under Sections 148, 149, 323, 427, 506 of Indian Penal Code at Police Station Chhapar, District Yamuna Nagar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

20.02.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No