

298 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-56463-2023 (O&M)

Date of Decision: 21.02.2024

ANIKET AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the private parties.

Mr. Vikas Bhardwaj, AAG Haryana.

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. 0084 dated 29.08.2021 registered under Sections 323, 498-A, 406, 506 and 34 of Indian Penal Code at Police Station Women Police Station, Manesar, Gurugram, Haryana and all subsequent proceedings arising therefrom in view of the compromise 18.10.2023 (Annexure P-2).

2. The following order was passed on 08.11.2023:

“This petition has been filed for quashing of FIR No.0084, dated 29.08.2021, registered under Sections 323, 498-A, 406, 506 and 34 of IPC at Police Station Women Police Station, Manesar, Gurugram, Haryana and all consequential proceedings arising therefrom, on the basis of compromise/settlement deed dated 18.10.2023 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners has mentioned in memo of parties that the petitioners have not been declared as proclaimed offenders.

Notice of motion.

On asking of the Court, Mr. Neeraj Poswal, AAG, Haryana, accepts notice on behalf of respondent No.1-State and Mr. Vikas Tanwar, Advocate accepts notice on behalf of

respondent No.2 and has filed his Vakalatnama. The same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 22.01.2024 for getting their statements recorded with regard to the compromise. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court 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 absconding/proclaimed persons, 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 pending;*
- 4. The compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 21.02.2024.”

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. 0084 dated 29.08.2021

registered under Sections 323, 498-A, 406, 506 and 34 of Indian Penal Code at Police Station Women Police Station, Manesar, Gurugram, Haryana and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

21.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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