

275 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-62318-2023 (O&M)

Date of Decision: 22.02.2024

DIWAN SINGH 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. 138 dated 28.05.2023 registered under Sections 147, 149, 323 and 324 of Indian Penal Code (Section 326 of IPC added later on) at Police Station Sadar Ratia, District Fatehabad and all subsequent proceedings arising therefrom in view of the compromise 03.10.2023 (Annexure P-2).

2. The following order was passed on 12.12.2023:

"This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 138 dated 28.05.2023 registered under Sections 147, 149, 323, 324 of IPC and offence under Section 326 IPC added later on, at Police Station Sadar Ratia, District Fatehabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 03.10.2023 (Annexure P-2).

Notice of motion for 16.01.2024.

On asking of the Court, Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana, appears and accepts notice on behalf of respondent No.1-State and Ms. Pranjili Garg, Advocate, appears and accepts notice on behalf of respondent No.2, by filing her Vakalatnama, which is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of two weeks.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Total number and names of persons arrayed as accused.*
- 2. Whether the present petition has been filed by all the accused?*
- 3. Whether any accused is proclaimed offender?*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 5. Whether the accused persons are involved in any other FIR or not? (mention complete details of FIR, if involved)*
- 6. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*
- 7. Whether all the victims/injured/complainants have been impleaded as respondents in the present petition?"*

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. 138 dated 28.05.2023 registered under Sections 147, 149, 323 and 324 of Indian Penal Code (Section 326 of IPC added later on) at Police Station Sadar Ratia, District

Fatehabad and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

22.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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