

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

299 CRM-M-53802-2024 (O&M)
Date of Decision: 15.01.2025

PARVEEN KATARIA PETITIONER

V/S

STATE OF HARYANA AND ANOTHER RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr.Vinod Kumar, Advocate for
Ms. Monisha Lamba, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Rajesh Lamba, Advocate
Mr. Rahul Gugnani, Advocate
Mr. Deepak Nagar, Advocate
for respondent No.2.

HARPREET SINGH BRAR J.(ORAL)

1. This petition has been filed under Section 482 Code of Criminal Procedure, 1973 seeking quashing of FIR No.317 dated 31.08.2022, under Sections 323, 34, 506 of the Indian Penal Code 1860 (for short 'IPC') registered at Police Station Sector-5, Gurgaon, District Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 01.12.2022 (Annexure P-2).
2. The following order was passed on 29.10.2024:

"The Prayer in this petition under Section 482 Cr.PC is for the quashing of the FIR No.317 dated 31.08.2022 under Sections 323, 34, 506 IPC registered at P.S. Sector 5, Gurgaon, District Gurugram and all



other consequential proceedings arising therefrom, on the basis of compromise dated 01.12.2022 (Annexure P-2) entered into between the parties.

Learned counsel for the petitioners Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into Compromise according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion for 15.01.2025.

Mr. Ashok Chaudhary, Addl. AG Haryana accepts notice on behalf of respondent no.1-State of Haryana. Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statements on 25.11.2024 with regard to the compromise by moving an appropriate application or by presenting this order. The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR*

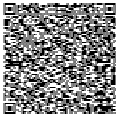


and all the victims/complainant as well as accused are party to the compromise in question.

The petitioners shall deposit a cost of Rs.25,000/- with the Punjab and Haryana High Court Employees Welfare Association Account No.37167209613 IFSC Code SBIN0050306 State Bank of India, High Court Branch, Chandigarh on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaq Magistrate.”

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. The report further indicates that three of co-accused have approached this Court by filing CRM-M-57290-2022 and the FIR (supra) was quashed qua two by this Court and the petitioner is only the accused who is facing trial in FIR (supra).

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**, 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.317 dated 31.08.2022, under Sections 323, 34, 506 of the Indian Penal Code 1860 (for short 'IPC') registered at Police Station Sector-5, Gurgaon, District Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.



5. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

15.01.2025
anju

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>