
(2019) 01 P&H CK 0146

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 52060 Of 2018 (O&M)

Parveen And Others

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 24-01-2019

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 147, 149, 323, 325, 452, 506

Citation : (2019) 01 P&H CK 0146

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : P.S. Jammu, Rahul Mohan, Taran Sharma

Final Decision : Allowed

Judgement

Mahabir Singh Sindhu, J

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.79 dated 13.02.2018 (Annexure P-1), under Sections 147, 149, 323, 325, 452, 506, 325 and 452 of the Indian Penal Code, registered at Police Station Badshahpur, District Gurgaon along with all consequential proceedings arising therefrom on the basis of affidavits dated 20.07.2018 (Annexure P-2 and P-3) entered into between the parties i.e. petitioners as well as respondents No. 2 and 3.

This Court on 27.11.2018, while issuing notice of motion has passed the following order:-

"Notice of motion.

On the asking of the Court, Mr. Yashwinder Sharma, DAG, Haryana accepts notice on behalf of respondent No.1. Copy of the petition has been supplied to him.

Mr. Tarun Sharma, Advocate appears on behalf of respondents No.2 and 3 and

files Memo of Appearance.

Learned Counsel for the petitioners as well as respondents No.2 and 3 jointly stated that the matter has been compromised between the parties.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 10.12.2018 for recording their statements with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court is requested to record the statements of all accused, complainant/injured and victim, if any, and submit a report along with the recorded statements to this Court before the next date of hearing, containing the following information:-

(i) Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?

(ii) Whether the compromise effected between the parties is genuine and valid?

(iii) Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).

(iv) Whether any other case is pending against either of the parties or not, if yes, the details thereof.

(v) Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

List before this Court on 24.01.2019 for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not? Copy of this order be sent to learned Judicial Officer concerned forthwith for information and compliance. "

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Gurugram and submitted a report dated 15.12.2018. The operative part of the same reads as under:-

'After recording statement of parties, the undersigned is of the view that compromise between the parties is genuine, voluntary and without any coercion or undue influence. No accused has been declared proclaimed offender/person in this case.'

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence and no one has been declared as proclaimed offender in this case and there is no public funds involved.

Learned State Counsel has acknowledged the above fact and further stated that he has no objection in case the present FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties

in case the present FIR is quashed.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace and tranquility and thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners.