

(2012) 03 P&H CK 0161

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Misc.-M No. 5718 of 2012

Narender and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision: March 28, 2012

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 307, 323, 34, 506

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Kanwaljit Singh Ahluwalia, J.

Present petition has been filed u/s 482 Cr.P.C. seeking quashing of FIR No. 242 dated 17.7.2011, registered at Police Station Sadar Rohtak, under Sections 323, 506, 307, 34 IPC. this Court, on March 05, 2012, had passed the following order:-

Counsel for the State, on instructions from Darshan singh, ASI, Police Station Sadar Rohtak states that the factum of compromise has been verified and indeed the compromise has been arrived at between the parties. However, complainant-Darshana Devi is not present in the Court, whereas her husband Devi Singh is present.

In these circumstances, the parties are directed to before the court of Chief Judicial Magistrate, Rohtak on 12th March, 2012 at 10.00 a.m. The Chief Judicial Magistrate, Rohtak shall record the statements of the parties and submit his report regarding the factum of compromise to this Court. To await the report of Chief Judicial Magistrate, Rohtak, list on 28th March, 2012.

2. Pursuant to the order passed by this Court, Chief Judicial Magistrate, Rohtak has submitted report dated 13.3.2012, relevant portion whereof reads as under:-

I have enquired from the complainant party namely Darshana Devi, her husband Devi Singh and son Ashok, who are present before me and they are duly identified by Sh. Virender Deshwal, Advocate. The complainant party is fully satisfied with the compromise Ex. C1. The same has been done voluntarily and one day time was also given to re-think about the compromise. I am satisfied that there is no pressure, duress on the accused persons and the compromise has been effected between the parties voluntarily.

Similarly, accused persons namely Narender, Naresh and Rajvir sons of Sh. Banwari Lal, resident of village VPO Makrauli Khurd have also given undertaking that they shall be bound by the compromise Ex. C1 and also reiterated that due to intervention of some respectable persons of village Makrauli Khurd and complainant party, they have amicably settled the dispute and will be bound by the compromise Ex. C1. Accused persons are duly identified by Sh. Vedpal, Advocate. Compromise Ex. C1 is voluntarily made by the parties. The compromise Ex. C1 along with statements of parties are being sent to Hon"ble High Court, as desired immediately. COC of this Court is also directed to keep photocopies of these documents along with copy of order of this Court on the record. Photocopies of these documents be sent along with copy of order of this Court and original papers be submitted to the court of Ld. ACJM, Rohtak.

3. Shri Dinesh Arora, Counsel appearing for the petitioners, states that the parties have decided to promote everlasting peace and bring an end to bad blood and feud between them.

4. Considering the fact that the compromise shall promote amity, harmony and cordial relations between the parties and taking into account the observations made by a Full Bench of this Court in Kulwinder Singh v. State of Punjab 2007 (3) RCR (Crl.) 1052, this Court is of the view that the continuance of proceedings, if the compromise has been arrived at, will serve no useful purpose. Consequently, present petition is accepted and the impugned FIR is quashed on the basis of compromise which has been verified by the court of Chief Judicial Magistrate, Rohtak.