

Vasudev and Others Vs. State of Haryana and Others

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Court : Punjab and Haryana

Decided On : Aug-27-2013

Appellant : Vasudev and Others

Respondent : State of Haryana and Others

Judgement :

Rajan Kumar Crl.

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not M-16311 of 2013 [1].2013.08.30 10:11 I am the author of this document
Chandigarh IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH Crl.

Misc.

not M-16311 of 2013 Date of Decision:

27. 08.2013 Vasudev and others ..Petitioners Versus State of Haryana and others
..Respondents CORAM: HON'BLE Mr.JUSTICE T.P.S.MANN
Present:Mr.Deepender Singh, Advocate, for the petitioners.Ms.Priyanka Dalal,
Asst.

AG, Haryana, for respondent No.1.

None for respondents No.2 and 3 despite service.

***** T.P.S.MANN, J.

(Oral) The petitioners are seeking quashing of FIR No.25 dated 23.02.2007, registered at Police Station Chhainsa, District Faridabad under Sections 323, 325, 452, 34 IPC and of report under Section 173 Cr.P.C.dated 09.09.2007 besides setting aside of charge-sheet dated 18.09.2009 on the ground that parties have amicably settled the matter between themselves.

Upon completion of investigation in the aforementioned FIR, final report under Section 173 Cr.P.C.was submitted.

On 18.09.2009, learned Judicial Magistrate, 1st Class, Faridabad framed charges under Sections 323/325/452/506/34 IPC CrI.

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not M-16311 of 2013 [2].against the petitioners to which they pleaded not guilty and claimed trial.

This Court has been informed that till date the prosecution has already examined 6 out of the 9 witnesses cited by it in the report under Section 173 Cr.P.C.In the present petition, it was averred that the petitioners on the one hand, and respondents No.2 and 3 on the other had amicably settled the matter and in that regard a compromise deed dated 03.05.2013 executed by the parties was placed on record as Annexure P-4.

While issuing notice for today, a co-ordinate Bench of this Court directed the parties to appear before the trial Court for getting their statements recorded with regard to compromise.

The trial Court was directed to record the statements of both the parties to its satisfaction to knot the genuineness of the compromise and that the statements were not a result of any pressure or coercion in any manner.

Further, the trial Court was asked to send its report along with the statements of the parties.

Report has been received from the Judicial Magistrate, 1st Class, Faridabad wherein it has been stated that the petitioners on the one hand and respondents No.2 and 3 on the other, got their separate statements recorded and on perusing the same, the said Court was satisfied that the compromise arrived at between the parties was voluntary.

Along with the CrI.

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not M-16311 of 2013 [3].report, the trial Judge has appended the copies of the statements of the parties.

It has also been mentioned in the report that there was no other case, except the present case, pending against either of the parties.

Some of the offences alleged against the petitioners are non-compoundable.

However, when respondents No.2 and 3 have suffered their respective statements before the trial Court and confirmed the factum of compromise, this Court is of the considered view that no useful purpose will be served by allowing the criminal proceedings to continue against the petitioners. Ends of justice would be best met, if the FIR and the final report submitted by the police under Section 173 Cr.P.C. are quashed and the charge-sheet set aside.

Resultantly, the petition is accepted, FIR No.25 dated 23.02.2007, registered at Police Station Chhainsa, District Faridabad under Sections 323, 325, 452, 34 IPC and final report under Section 173 Cr.P.C. dated 09.09.2007 are quashed and all the proceedings taken thereunder including order dated 18.09.2009 passed by the trial Court framing charges are set aside.

- (T.P.S.MANN) 27th August, 2013 JUDGE Rajan

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