

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM M-24972 of 2014

Date of decision : 27.07.2015

Thana Ram & anr.

....Petitioners

V/s

State of Haryana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sachin Mittal, Advocate for the petitioners.

Mr. Gaurav Dhir, DAG Haryana.

Mrs. Vanita Sapra Kataria, Advocate
for respondents no. 2 & 3.

RAJAN GUPTA J.

Petitioners have filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 120 dated 29.05.2010 registered under sections 420, 506, 406 IPC at police station Khaidki Daula, District Gurgaon and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the parties submit that during the pendency of this petition a compromise has been arrived at between the parties and dispute has been amicably settled. Relying upon the judgment reported as ***Kulwinder Singh and others vs. State of Punjab, 2007(3) RCR (Crl.) 1052***, learned counsel submit that in view of compromise, the impugned FIR deserves to be quashed.

Learned State counsel does not dispute the ratio of judgment in *Kulwinder Singh's* case supra and submits that in case

a compromise is arrived at between the parties the State would not stand in the way of quashing of FIR.

Heard.

It appears that on May 05, 2015, a direction was issued by this court to record the statements of the parties with regard to validity or otherwise of the compromise. A report has been received from the trial court. Operative part thereof reads thus:-

"In view of the aforesaid statements of the accused persons/petitioners namely Thana Ram and Hari Parkash as well as the statements of complainants/respondents no. 2 & 3 namely Shiv Kumar and Jitender Bansal, it appears that the compromise effected between them is genuine, voluntarily and without any threat, coercion and pressure.

Further, it is reported that none of the petitioners/accused persons has been declared proclaimed offender in this case, as per the report of the Ahlmad.

Further, as per the report of Ahlmad, Challan under section 173 of Cr.P.C. has been filed against accused persons namely Thana Ram and Hari Parkash and the present petition has been filed by both the accused persons.

Hence, the report is submitted alongwith the original statements of the petitioners No. 1 & 2/accused persons namely Thana Ram and Hari Parkash and respondents no. 2 & 3/complainants namely Shiv Kumar and Jitender Bansal and original report submitted by Sh. Devender, Criminal Ahlmad. It is requested that the report along with the documents be placed well in time before Hon'ble Judge Sh. Rajan Gupta of Hon'ble Punjab and Haryana High Court at Chandigarh on or before 27.7.2015, the next date of hearing in the present matter, for kind perusal of His Lordship."

Compromise is in the interest of the parties and after the matter has been resolved by an amicable settlement, no useful purpose is likely to be served by continuance of the criminal proceedings. In view of above, the present FIR and the consequent proceedings arising therefrom deserve to be quashed in light of Full Bench judgment of this court in *Kulwinder Singh's* case supra. However, after registration of FIR, investigative machinery was set into motion and considerable court time was also wasted. Thus, costs of proceedings need to be imposed. Parties shall pay ₹20,000/- as costs to be deposited with Haryana State Legal Services Authority. Needless to observe that costs shall be shared equally by petitioner and respondents no. 2 & 3.

Resultantly, present petition is allowed. FIR in question and subsequent proceedings arising therefrom are quashed subject to aforesaid condition.

July 27, 2015

Ajay

(RAJAN GUPTA)
JUDGE