

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-No.25635 of 2015

Date of decision: 21.09.2015

Vinod Kumar and others

----Petitioner(s)

V/s

State of Haryana & another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Anand Chibbar, Sr. Advocate with
Mr. Vaibhav Sahni, Advocate and
Mr. Lalit Thakur, Advocate for the petitioners.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Varun Baath, Advocate for
Mr. Deepankur Sharma, Advocate for
complainant/respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 383 dated 26.05.2012 under Sections 420, 467, 468, 471, 506/120-B/406/34 IPC registered at Police Station Civil Line Karnal, District Karnal (Annexure P-1) along with all subsequent proceedings arising therefrom, on the basis of compromise dated 30.03.2015 (Annexure P-4).

On 06.08.2015, this Court has passed the following order:-

“Instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 383 dated 26.05.2012 under Sections 420, 467, 468, 471, 506/120-B/406/34 IPC registered at Police Station Civil Line Karnal, District Karnal

(Annexure P-1) along with all subsequent proceedings arising therefrom, on the basis of compromise dated 30.03.2015 (Annexure P-4).

It has been submitted by learned counsel for the petitioners that petitioners No.1 and 2 (Vinod Kumar and Dinesh Kumar) have already been arrested by the police, even though the compromise has been effected between the parties. Whereas, other petitioners are apprehending their arrest.

Notice of motion for 21.09.2015.

At this juncture, Mr. Deepankur Sharma, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney, which is taken on record.

Meanwhile, arrest of petitioners No.3 to 9 shall remain stayed.

Meanwhile, parties are directed to appear before learned trial Court on September 01, 2015 or any other date convenient to learned trial Court, for recording their statements with regard to compromise. Trial Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. Trial Court is also directed to send report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing. Trial Court is also directed to intimate with regard to pendency of any P.O. Proceedings against the parties.”

Pursuant to the aforesaid order dated 06.08.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Karnal and have got their statements recorded. On the basis of the statements so recorded, learned Judicial Magistrate Ist Class, Karnal, has forwarded his report dated 18.09.2015, along with the statements of the parties to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

Mr. Varun Baath, Advocate has put in appearance on behalf of Mr. Deepankur Sharma, Advocate for respondent No.2/complainant, and admit the factum of compromise entered between the parties. He further submits that the complainant has no objection if the present FIR is quashed.

Learned counsel for the State has also not disputed the factum of compromise entered between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR qua the petitioners. However, considering the fact that the FIR was registered on 26.05.2012 and the State machinery was put to its optimum use till date, the petitioners are liable to pay costs.

The Hon'ble Supreme Court in **Gold Quest International Private Ltd. vs. State of Tamil Nadu and others, 2014(4) RCR (Criminal) 206**, has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C read with Article 226 of the Constitution.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)** and approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, as well as judgment of Hon'ble Supreme Court in **Gold Quest International Private Ltd. vs. State of Tamil Nadu and others, 2014(4) RCR(Criminal) 206**, this petition is

allowed and FIR No.383 dated 26.05.2012 under Sections 420, 467, 468, 471, 506/120-B/406/34 IPC registered at Police Station Civil Line Karnal, District Karnal (Annexure P-1) along with all subsequent proceedings arising therefrom, on the basis of compromise dated 30.03.2015 (Annexure P-4), are hereby quashed, subject to payment of costs of ₹20,000/- to be deposited within six weeks with the Haryana State Legal Services Authority. Chandigarh.

September 21, 2015

Anjal

**(HARI PAL VERMA)
JUDGE**