

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-35042 of 2014

Date of Decision: 29.6.2015

Rupesh Verma and Another

... Petitioner(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. C.M.Munjial, Advocate
for the petitioner(s).

Mrs. Neelam Kashyap, Deputy Advocate
General, Haryana for respondent No.1.

Mr. Davinder Singh, Advocate
for Mrs. Abha Rathore, Advocate
for respondent No.2.

Darshan Singh, J.

1. The present petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for seeking quashing of FIR No. 733 dated 6.7.2014, registered under Section 380 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Gurgaon City and all the subsequent proceedings on the basis of the compromise deed dated 10.9.2014 (Annexure P2).

2. Vide order dated 20.11.2014, a Co-ordinate Bench of this Court has directed the parties to get their statements recorded before the trial Court. The trial Court was also directed to send its report with regard to the validity or otherwise of the compromise after recording the statements of the concerned parties.

3. In compliance of the aforesaid order, report has been received from the learned Chief Judicial Magistrate, Gurgaon through the learned District & Sessions Judge, Gurgaon along with the copies of the statements of the parties. In the report, it is stated that the complainant-respondent No.2 has entered into a compromise with the the petitioners

of her own volition and without any sort of pressure or coercion. It is further stated that the compromise has been effected between the parties of their own will and volition and the same is genuine, voluntary and without any coercion or undue influence.

4. Learned counsel for the petitioners contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052***.

5. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondent No.2 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6. The petitioners have been indicted as accused for the offences punishable under Section 380 IPC on the complaint made by respondent No.2-Reena Verma that she was running a boutique and on 21.6.2014, she found the locks of the said boutique broken. The readymade garments worth ₹ 2,00,000/-, along with one diary, two mobile phones and the bills were also misplaced. She was having a serious doubt that her husband might have stolen the said articles in connivance with Vijay Wadhwa.

7. From the statements of the complainant as well as of the petitioners recorded by the learned Chief Judicial Magistrate and his report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their

dispute and have effected compromise. The affidavits of the complainant has also been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioners are bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

9. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 733 dated 6.7.2014, registered under Section 380 IPC at Police Station Gurgaon City and all the consequent proceedings arising therefrom are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

(Darshan Singh)
Judge

June 29, 2015

“DK”