

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

CRM-M-19142 of 2016
Date of decision: 26.09.2016

Manoj Kumar Kansal

----Petitioner (s)

V/s

State of Haryana & another

-----Respondent(s)

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

Present:- Mr.Nandan Jindal, Advocate for the petitioner.

Mr. Sulinder Kumar, AAG, Haryana

Mr.Amrinder Sandhu, Advocate for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.06 dated 08.01.2013 for offence under Sections 379/420 IPC, later on Sections 380/467/468/471/120-B IPC added, registered at Police Station Saha, District Ambala and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 24.05.2016 (Annexure P-2).

This Court vide order dated 30.05.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 30.05.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Ambala and got

their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 04.08.2016 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

The joint statement made by the complainant-respondent No.2, namely, Gurmail Singh son of Ajaib Singh and petitioner-Manoj Kumar Kansal before the Magistrate on 22.07.2016, reads as under:-

“It is stated that complainant Gurmail Singh had lodged a complaint against Manoj Kumar Kansal and others, on which FIR No.06 dated 08.01.2013, under Section 380, 420, 467, 468, 471 read with Section 120-B of IPC, PS Saha was registered against them. On investigation, untrace report was filed by the police. The complainant Gurmail Singh had filed this protest petition before this Hon'ble Court against the accused Manoj Kumar Kansal and 11 other accused persons. In this matter, a compromise has been arrived at between both the parties, the copy of the same is Ex.P1. The compromise has taken place between the parties with their own consent, free will and without any pressure from any side. Complainant Gurmail Singh have no objection if the present complaint as well as the FIR No.06 dated 08.01.2013, under Section 380, 420, 467, 468, 471 read with Section 120-B IPC, PS Saha are quashed against all the accused.”

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR, however, considering the fact that the FIR was registered on 08.01.2013 and the State machinery was put to its optimum use till date, the petitioner is liable to pay costs.

Learned counsel for the State has filed reply on behalf of respondent No.1, by way of affidavit of Anil Kumar, HPS, Asstt. Commissioner of Police Barara and does not dispute the factum of compromise entered between the parties. Reply is taken on record.

Mr.Amrinder Sandhu, Advocate has put in appearance on behalf of respondent No.2 and filed Power of Attorney which is taken on record. He also not disputed the factum of compromise entered between the parties.

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)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.06 dated 08.01.2013 for offence under Sections 379/420 IPC, later on Sections 380/467/468/471/120-B IPC added, registered at Police Station Saha, District Ambala and all other consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise/affidavit dated 24.05.2016 (Annexure P-2), subject to payment of costs of Rs.10,000/-, to be deposited with the Haryana State Legal Services Authority.

26.09.2016
Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No