

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

CRM-M-27291 of 2015

Date of decision: 01.08.2016

Bhagwant Bhajan Singh & anr.

----Petitioner (s)

V/s

State of Haryana & others

-----Respondent(s)

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

Present:- Mr. Parminder Singh, Advocate for the petitioners.

Mr. Arun Kumar, AAG, Haryana.

None for respondents No. 2 to 5.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.68 dated 7.3.1996 under Sections 420/465/468/471/34 read with Section 463/464/120-B IPC registered at Police Station Sadar Tohana, District Fatehabad and all other consequential proceedings arising therefrom on the basis of compromise (Annexure P-5).

This Court on 01.09.2015 has passed the following order:

“Prayer in this petition is for quashing of FIR No.68 dated 7.3.1996 under Sections 420/465/468/471/34 read with Section 463/464/120-B IPC registered at Police Station Sadar Tohana, District Fatehabad on the basis of compromise (Annexure P5), which is undated, and subsequent proceedings arising therefrom.

Learned counsel for the petitioners contends that vide judgment dated 10.12.2008, learned Sub Divisional Judicial Magistrate, Tohana had acquitted the petitioners of the charges

levelled against them by giving them the benefit of doubt. He further submits that against the aforesaid judgment of acquittal dated 10.12.2008, the State preferred an appeal before learned Additional Sessions Judge, Fatehabad and learned Additional Sessions Judge vide judgment dated 29.8.2012 has accepted the appeal and set aside the judgment of acquittal with a direction to the trial Court to make further enquiry and take further additional evidence which are essential for just decision of the case. Thus, as on date, the matter is pending adjudication before the trial Court. Learned counsel further submitted that as of now, better sense has prevailed between the parties and they have effected a compromise (Annexure P5) resolving all their pending disputes and respondents no.2 to 4 have no objection if the FIR in question is quashed and the judgment dated 29.8.2012 is set aside.

Notice of motion.

Parties are directed to appear before trial Court for recording of their respective statements with regard to compromise (Annexure P5) on 11.9.2015.

The trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR.
- (ii) Whether any accused is proclaimed offender.
- (iii) The compromise is genuine, voluntary, and without any coercion or undue influence.

List again on 30.9.2015.”

Pursuant to the aforesaid order dated 01.09.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Tohana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 22.09.2015 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. Report further reveals that learned Magistrate has recorded the statements of accused persons namely

Ashok Kumar and Bhagwant Bhajan Singh and complainant party i.e. respondents No. 2 to 5, namely, Ajit Singh, Richpal Singh, Ajit Kaur and Ranjit Singh wherein they have admitted the fact of arriving at compromise between them voluntarily with regard to the present case and further stated that they have no objection if the FIR be quashed in this case. Apart from this, the complainant Ajit Singh has stated in his statement that he has compromised the matter with the accused persons as per compromise Ex.C1 and the compromise between the parties is voluntary and without any coercion and undue influence.

Though, today no one is present on behalf of respondent Nos. 2 to 5-complainant, but no prejudice would be caused to them, as they have already suffered a statement with regard to validity of the compromise before learned Magistrate on 22.09.2015.

Apart from the statement of the complainant-respondents No.2 to 5, whereby they have shown no objection to the FIR being quashed, 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.

Learned counsel for the State also does not dispute 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.68 dated 7.3.1996 under Sections 420/465/468/471/34 read with Section 463/464/120-B IPC

registered at Police Station Sadar Tohana, District Fatehabad, and all other consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise (Annexure P-5).

01.08.2016
Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No