

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

CRM-M-31643 of 2016(O&M)

Date of decision: 09.11.2016

Lalit Kumar and another

----Petitioner (s)

V/s

State of Haryana & another

-----Respondent(s)

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

Present:- Mr. Sunil Kumar Dhanda, Advocate for
Mr.Rajesh Lamba, Advocate for the petitioners.

Mr.Arun Kumar, AAG, Haryana.

None 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.790 dated 11.08.2016 for offence under Sections 420 and 406 IPC, registered at Police Station Gurgaon City, Distt. Gurgaon and all consequential proceedings arising thereto on the basis of compromise dated 28.08.2016 (Annexure P-2).

This Court vide order dated 08.09.2016 had directed the parties to appear before Illaqa Magistrate/the trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/the trial Court was directed to submit its report qua the genuiness of the compromise.

Pursuant to the aforesaid order dated 08.09.2016, the parties have appeared before learned Chief Judicial Magistrate, Gurgaon and got

their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 14.10.2016 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.

Though, today no one is present on behalf of respondent No.2-complainant-Satbir son of Ram Kishan, but no prejudice would be caused to him, as he has already suffered a statement with regard to validity of the compromise before learned Magistrate to the effect that the dispute with the accused has been amicably resolved and has no objection if the aforesaid FIR against the persons who have been arrayed as accused in this case is quashed or dropped.

Apart from the statement of the complainant-respondent No.2-, whereby he has 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 has filed reply by way of affidavit of Rajeev Kumar, HPS Asstt. Commissioner of Police, City, Gurgaon on behalf of respondent No.1. The same is taken on record. He 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.790 dated

11.08.2016 for offence under Sections 420 and 406 IPC, registered at Police Station Gurgaon City, Distt. Gurgaon and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 28.08.2016 (Annexure P-2).

09.11.2016
Anjal

[HARI PAL VERMA]
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>Yes/No</i>