

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-3258-2016 (O & M)
Date of decision:10.03.2016

Daya Kauri and ors.

...Petitioner(s)

Versus

State of Haryana and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sandeep Kotla, Advocate,
for the petitioner(s).

Mr. Chetan Sharma, AAG, Haryana.

Mr. Ashwani Gaur, Advocate,
for respondent No.2.

Mr. Jitender Dhanda, Advocate.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.747 dated 31.10.2014, registered under Sections 420, 467, 468, 471 and 406 IPC at Police Station Civil Lines, Hisar, on the basis of compromise.

Reply has been filed on behalf of the State. Same is taken on record. Learned State counsel has referred to the reply and submits that proclamation proceedings have been initiated against petitioners No. 3 and 4. Besides, petitioners produced one lady who impersonated as Chandro Devi and got sale deed in question executed in favour of petitioner No.1. Even, mutation was sanctioned on that basis. Thus, FIR cannot be quashed on the basis of compromise.

A report has also been received from the trial court pursuant to order dated February 01, 2016. Operative part thereof reads as under:-

“But there remains the other aspect of the case, which is with regard to share of Chandro Devi

because said share of Chandro Devi also devolve to one Promila d/o Chotu Ram, as said Chandro Devi was her grand mother. It seems complainant Rajbir has compromised the matter with his real brother accused Virender and his mother Dayakaur. But the compromise had not been fully effected between the effected parties because the dispute regarding the share of Promila d/o Chotu Ram remains, as the fake sale deed had not been cancelled yet. Said, Promila is also a witness in the challan filed against the accused Virender and Dayakaur.”

Besides, it appears that petitioner No.2 earlier filed a petition (CRM-M-13324-2015), same was dismissed by the co-ordinate bench (Raj Mohan Singh, J.) observing that share belonging to Promila and other descendants of Chotu Ram had been usurped by accused Virender Kumar. Thus, proceedings pursuant to FIR needed to be brought to some logical end.

Keeping in view the facts and circumstances of the case, I am of the considered view that no case for quashing the FIR on the basis of compromise is made out.

Dismissed.

10.03.2016
sukhpreet

(RAJAN GUPTA)
JUDGE