

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

CRM-M-41317-2014

Date of Decision: January 12, 2016

Raju and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Present: Mr.K.B.Raheja, Advocate
for the petitioners.

Mr.Sanjay Kumar Saini, AAG, Haryana.

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NARESH KUMAR SANGHI, J.(ORAL)

Challenge in the present petition, filed under Section 482, Cr.P.C., is for quashing of FIR No.546, dated 06.10.2010, for the offences punishable under Sections 120-B, 420, 467, 468, 469, 471 and 472, IPC, registered at Police Station, Ballabhgarh City, District Faridabad, and all the consequential proceedings arising therefrom, on the basis of compromise, Annexure P2.

On 31.03.2015, the following order was passed by this

Court:-

“Adjourned to 25.08.2015.

In the meantime, parties are directed to preset themselves before the Trial Court on 04.05.2015 or any other date convenient to the Court for recording their statements with regard to the compromise. The Trial Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Trial Court is further directed to send a report along with statements of the parties with regard to the validity or otherwise of the compromise effected between the parties and intimate whether any other case is pending against either of the parties or not before the next date of hearing.”

In compliance of the above, the petitioners as well as Smt.Giaso, respondent No.2/ informant/ aggrieved person, appeared before learned trial Court and got recorded their respective statements with regard to the compromise. Since respondent No.3-Smt.Rewati, one of the aggrieved person could not appear before the Court below, therefore, she was once again directed to appear before the Court below for getting her statement recorded.

Respondent No.2 /informant/ aggrieved person,

Smt.Giaso suffered the following statement:-

“Stated that a compromise has been effected between me and accused persons namely Raju, Yogesh and Itwari. I do not want to pursue the present FIR. I am giving this statement voluntarily and without any pressure, coercion and undue influence.”

Respondent No.3, Smt.Rewati suffered the following statement:-

“Stated that a compromise has been effected between me and accused persons namely Raju, Yogesh and Itwari. I do not want to pursue the present FIR. I am giving this statement voluntarily and without any pressure, coercion and undue influence.”

Similar joint statement was suffered by the petitioners admitting the factum of compromise.

Initial report received from learned Judicial Magistrate First Class, Faridabad, is as under:-

“On receipt of copy of order dated 31.3.2015 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh in criminal misc.no.M-41317 of 2015 titled as Raju and others vs. State of Haryana and another both the parties appeared on 4.5.2015 and stated that the matter has been compromised between them. Their statements recorded separately. After hearing both the

parties and perusing their statements, I am satisfied that the compromise between them is voluntary.

It is also submitted that as sought by the Hon'ble High Court both the parties have stated that there is no other case pending between the same parties in this Court or in any other Court. Their statements are enclosed herewith."

The additional report dated 28.09.2015 received from the said Court is as under:-

"On receipt of copy of order dt.25.8.2015 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh in criminal misc.no.41317 of 2014 titled as "Raju and others Vs. State of Haryana and others" the complainant Smt.Rewti Devi and accused Raju, Yogesh and Itwari appeared on 28.9.2015 and stated that the matter has been compromised between them. Their statements recorded separately. After hearing both the parties and perusing their statements, I am satisfied that the compromise between them is voluntary.

It is also submitted that as sought by the Hon'ble High Court both the parties have stated that there is no other case pending between the same parties in this Court or in any other Court. Their statements are enclosed herewith."

Learned counsel for the petitioners submits that the

petitioners and the aggrieved persons, namely, Smt.Giaso and Smt.Rewati are cousins. Due to confusion regarding unauthorised use of the property belonging to Smt.Giaso and Smt.Rewati, the impugned FIR was lodged against the petitioners. During pendency of the trial, better sense has prevailed and private parties to the *lis* have resolved their dispute and effected a compromise, Annexure P2. He further submits that the property belonging to Smt.Giaso and Smt.Rewati has been restored to them by way of a written compromise. He further submits that in view of the compromise so effected between the private parties, pendency of the impugned FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of his contention, learned counsel has placed reliance on the judgments of Hon'ble the Supreme Court delivered in the matters of **Madan Mohan Abbot vs State of Punjab**, (2008) 4 SCC 582 and **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543, and a 5-Judge Bench judgment of this Court in the case of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H).

Learned counsel for the State, after going through the copies of the statements and the report received from learned

trial Court fairly concedes that the private parties to the *lis* have resolved their dispute and effected a compromise and, as such, he has no objection if the impugned FIR and consequential proceedings are quashed on the basis of compromise. He further fairly concedes that the offences for which the petitioners have been booked are personal in nature.

After hearing the learned counsel for the parties and going through the material available on record, this Court finds that the dispute between the cousins was with regard to the ancestral property. They have resolved their dispute and effected a compromise, Annexure P2. The aggrieved persons have suffered their respective statements on oath before learned Court below, copies whereof have been received.

There appears to be substance in the submission of learned counsel for the petitioners that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak in view of the compromise so effected between the private parties.

In the matter of **Madan Mohan Abbot (supra)**, Hon'ble the Supreme Court has held as under:-

“We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a

purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.”

In the matters of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, it was ruled that in a petition under Section 482, Cr.P.C., filed on the basis of compromise, even the non-compoundable offences can be permitted to be compounded and criminal proceedings may terminate.

The report received from the Court below also reveals that the compromise effected between the parties is genuine one. Learned counsel for the State has also admitted the execution of the compromise, Annexure P2.

In view of the totality of the facts and circumstances of the case and taking into consideration the ratio of judgments in the cases of **Madan Mohan Abbot(supra)**, **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted. FIR No.

546, dated 06.10.2010, for the offences punishable under Sections 120-B, 420, 467, 468, 469, 471 and 472, IPC, registered at Police Station, Ballabhgarh City, District Faridabad, and all the consequential proceedings arising therefrom are quashed.

January 12, 2016
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(NARESH KUMAR SANGHI)
JUDGE