

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-21849-2018

Date of Decision:27.08.2018

Kavita and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Amit Jain, Advocate,
for the petitioners.

Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

Mr. Arihant Jain, 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.0070 dated 16.03.2016 under Section 120-B, 406, 420 IPC, registered at Police Station DLF Phase-1, Gurgaon (the offence punishable under Sections 467, 468 IPC were added later on) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.02.2018 (Annexure P-2).

This Court vide order dated 21.05.2018 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

learned Judicial Magistrate 1st Class, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 11.06.2018 to the effect that the matter has been voluntarily compromised by the parties and the complainant has entered into a settlement/agreement out of his own volition with the accused persons without any pressure or coercion from any corner.

Respondent No.2-Complainant, namely, Satyajit Chadha has made a statement with regard to compromise before learned Magistrate on 05.06.2018 to the effect that he has compromised the matter with the accused voluntarily without any threat or coercion and has no objection if the F.I.R. is quashed.

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and FIR No.0070 dated 16.03.2016 under Section 120-B, 406, 420 IPC, registered at Police Station DLF Phase-1, Gurgaon (the offence punishable under Sections 467, 468 IPC were added later on) (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 20.02.2018 (Annexure P-2), subject to payment of costs of ₹25,000/- (₹10,000/- by petitioner No.1, ₹10,000/- by petitioner No.2 and

₹5,000/- by petitioner No.3) to be paid within 15 days from today with the Deputy Commissioner, Gurugram, towards Kerala Chief Minister's Distress Relief Fund.

August 27, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No