

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

CRM-M-23318 of 2018.

Decided on:-August 07, 2018.

Narender alias Niru.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Ravinder Malik, Advocate
for the petitioner.

Mr. Ashok S. Chaudhary, Addl. A.G., Haryana.

HARI PAL VERMA, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.261 dated 27.07.2017 under Sections 406, 420, 467, 468, 471 and 474 IPC registered at Police Station Kalanaur, District Rohtak (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.05.2018 (Annexure P-2).

This Court vide order dated 28.05.2018 had directed the parties to appear before the trial Court/ Illaqa Magistrate to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioner, namely, Narender alias Niru as well as respondent No.2-complainant Rajpal have appeared before learned Judicial Magistrate 1st Class, Patiala and got their statements

recorded on 15.06.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 15.06.2018 to the effect that the compromise has been entered into voluntarily between the parties without any pressure or coercion etc. from any corner and the same is valid.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Rajpal. Though no one has put in appearance on behalf of respondent No.2-complainant, but no prejudice would be caused to him as he has already made a statement before learned Magistrate on 15.06.2018 in support of the compromise, which reads as under:

“Stated that upon the intervention of respectable persons of the village, a compromise has been arrived at between me and accused Narender son of Mahender. Said compromise has been arrived at between us voluntarily and without any pressure from any corner. I do not want to proceed further with the present case and I do not have any objection in quashing of the FIR No.261 dated 22.07.2017, P.S. Kalanaur, Rohtak.”

Learned State counsel, on instruction from ASI Rakesh Kumar, has not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

Thus, 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***, the present petition is allowed and the FIR No.261 dated 27.07.2017 under Sections 406, 420, 467, 468, 471 and 474 IPC registered at Police Station Kalanaur, District Rohtak (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 16.05.2018 (Annexure P-2).

August 07, 2018

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No