

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

251

CRM-M-25951-2016 (O&M)

Date of decision: 12.03.2018

Krishna and another

...PETITIONERS

VERSUS

State of Haryana and another

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. V.P.Sangwan, Advocate,
for the petitioners.

Mr. Sharad Kumar Yadav, Deputy Advocate General, Haryana,
for the State.

Ms. Anu Garg, Advocate,
for Mr. Vijay Sangwan, Advocate,
for respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No. 133 dated 18.04.2015 (Annexure P-1) under Sections 420, 467, 468, 471, 506, 120B IPC registered at Police Station Civil Line Bhiwani and all consequential proceedings arising therefrom and order of charge dated 18.01.2016 (Annexure P-2) in the light of the compromise dated 25.06.2016 (Annexure P-3).

On 01.08.2016, when this case came up for hearing, the following order was passed:-

“ Heard.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, Asstt.

Advocate General, Haryana accepts notice on behalf of respondent No.1-State.

Mr. Vijay Sangwan, Advocate has put in appearance on his own on behalf of respondent No.2 and filed his power of attorney today in the Court. Same is taken on record.

In the light of contentions that the parties have since then effected compromise, they are directed to put in appearance before the Illaqa Magistrate, Police Station Civil Line Bhiwani, District Bhiwani within 15 days from today to record their statements and the Illaqa Magistrate shall make report as to its satisfaction and submit it back before the next date of hearing. The magistrate shall also intimate if any of the parties to this petition has been declared as Proclaimed Offender.

List on 8th December, 2016.”

In compliance with the order passed by this Court, the parties appeared before the trial Court and got recorded their respective statements and have also submitted their affidavits. In the light of the statements given by the parties, the learned JMIC, Bhiwani has submitted his report dated 29.08.2016, according to which, the parties have settled the matter voluntarily, without any pressure from any corner. There is no dispute at present on account of compromise arrived at between the parties and they have given their statements out of free will. None of the accused is declared proclaimed offender.

In the light of the report of the JMIC, Bhiwani dated 29.08.2016, referred to above, counsel for the petitioners states that the

present petition be allowed. Counsel for respondent No. 2-complainant states that the complainant has no objection in case the present petition is allowed.

Keeping in view the fact that the matter has been amicably resolved between the parties and the complainant is not interested in pursuing the matter any further in the light of the compromise dated 25.06.2016 (Annexure P-3) entered into between the parties and keeping in view the ratio of the judgment of the Supreme Court in **Narinder Singh vs. State of Punjab**, 2014 (2) RCR (Criminal) 482 and Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 and Crl. Appeal No. 1723 of 2017 titled as **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur vs. State of Gujarat and another**, decided on 04.10.2017, the present petition is allowed. FIR No. 133 dated 18.04.2015 (Annexure P-1) under Sections 420, 467, 468, 471, 506, 120B IPC registered at Police Station Civil Line Bhiwani and all consequential proceedings arising therefrom and order of charge dated 18.01.2016 (Annexure P-2) are hereby quashed.

March 12, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No