

252

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.30035 of 2016
Date of Decision: 07.03.2018

Sunil Kumar and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Kulwant Singh Dhanora, Advocate,
for the petitioners.

Mr. Manish Bansal, D.A.G., Haryana,
for respondent No.1.

Mr. B.S. Chahar, Advocate,
for respondent No.2.

Mr. Rose Gupta, Advocate,
for the non-respondent (Rattan Kumar).

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioners, who are accused in F.I.R. No.464, dated 03.09.2010, under Sections 415, 416, 420, 467, 468, 471, 506 and 120-B of the Indian Penal Code, registered at Police Station Civil Lines, Hisar, District Hisar, have prayed for quashing of F.I.R. (Annexure P-1) with all subsequent proceedings, as also the judgment of conviction, dated 28.03.2016, and order of sentence, dated 30.03.2016, passed by the Court below, i.e. Judicial Magistrate Ist Class, Hisar.

[2]. The petitioners were convicted of the offences under Sections 467, 468 and 120-B of the Indian Penal Code and were sentenced accordingly. Thereafter, an appeal was filed by them before the Ld. Appellate Court. During pendency of appeal, the instant petition has been filed, since the parties concerned have arrived at a settlement. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Additional Sessions Judge, Hisar, vide report dated 23.11.2016, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Respondent No. 2 and the non-respondent (Rattan Kumar) are represented by their respective Counsels and they do not oppose the compromise.

[4]. In view of the report of the Additional Sessions Judge, Hisar, and in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners/ accused persons.

[5]. In the circumstances and in view of the decisions of the Supreme Court in “Gulab Das Vs. State of M.P.”, 2012 (1) R.C.R. (Criminal) 220 and “Mukesh Kumar Vs. State of Rajasthan”, 2013 (11) S.C.C. 511, while sustaining conviction of the petitioners for the offences under Sections 467, 468 and 120-B of the Indian Penal Code, the matter is

disposed off with a direction that no further sentence needs to be suffered by them nor any fine needs to be paid, apart from the sentence already undergone by them. F.I.R. No.464, dated 03.09.2010, under Sections 415, 416, 420, 467, 468, 471, 506 and 120-B of the Indian Penal Code, registered at Police Station Civil Lines, Hisar, District Hisar (Annexure P-1), and all consequential proceedings arising therefrom, are also hereby quashed on the basis of compromise qua the present petitioners.

07.03.2018*Apurva***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No