

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30135-2017

Date of decision: 30.01.2018

Subash Sharma and another

.... Petitioners

vs.

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajesh Goyal, Advocate, for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Dinesh Saini, Advocate, for respondent No.2.

ARVIND SINGH SANGWAN,J. (ORAL)

Prayer in this petition is for quashing of FIR No. 24 dated 06.11.2011, under sections 420/467/468 and 120-B IPC, registered at Police Station Model Town Panipat, District Panipat, alongwith all consequential proceedings arising therefrom, on the basis of compromise.

Counsel for the petitioners submits that after registration of the FIR, the petitioners were found innocent and were kept in column No.2 while submitting the report under Section 173 Cr.P.C. It is further submitted that the trial Court, vide order dated 04.02.2015, summoned both the petitioners under Section 319 Cr.P.C. and later on, the main accused Ram Bilas @ Bablu was declared proclaimed offender and was never arrested in the case.

Vide order dated 18.08.2017, the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements in support of compromise.

Report of the trial Court dated 07.09.2017 has been received. As per this report, respondent No.2-complainant Rakesh Sharma has entered into a valid and legal compromise with the petitioners and both the petitioners as well as respondent No.2 have appeared before the trial Court

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and recorded their respective statements that the compromise (Ex.C1) placed on record before the trial Court is without any coercion, pressure or undue influence. Trial Court has further reported in the report that main accused Ram Bilas @ Bablu was declared proclaimed offender on 16.12.2016 and the compromise between the petitioners and respondent No.2 is genuine.

In view of the above, I find that the offences under which the present FIR has been registered fall in the category of offences which can be compoundable in view of Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052.**

Since, the dispute between the parties is a private dispute which has been amicably resolved and the parties have entered into a valid compromise and have decided not to initiate any legal proceedings against each other in future, no useful purpose would be served in allowing the continuation of the proceedings between the parties.

Accordingly, FIR No. 24 dated 06.11.2011, under sections 420/467/468 and 120-B IPC, registered at Police Station Model Town Panipat, District Panipat, alongwith all consequential proceedings arising therefrom on the basis of compromise are, hereby, quashed qua petitioners- Subash Sharma and Subash Garg @ Subash Chand.

Since the case is fixed for recording of evidence of the prosecution, the petitioners are directed to pay costs of Rs.10,000/-, to be deposited with the Legal Services Authority, Panipat.

30.01.2018
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(ARVIND SINGH SANGWAN)
JUDGE

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