

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRM-M-32004-2016

Suresh Kumar Sharma

.... Petitioner

Versus

State of Haryana and another

.... Respondents

2. CRM-M-32200-2016

Ram Kishan

.... Petitioner

Versus

State of Haryana and others

.... Respondents

Date of Decision: 10.12.2018

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ashish Chaudhary, Advocate
for the petitioner (in CRM-M-32004-2016) and
for respondent No. 3 (in CRM-M-32200-2016).

Mr. Sachin Mittal, Advocate
for the petitioner (in CRM-M-32200-2016).

Mr. PK Garg, AAG, Haryana.

Mr. Rajeev Anand, Advocate
for the respondent No. 2 (in both cases).

RAMENDRA JAIN, J. (ORAL)

By this common order two above titled petitions are being disposed of as both have arisen out of the same FIR No. 93 dated 08.04.2011, under Sections 406, 418, 419, 420, 468, 471 and 120- B read with Section 34 IPC, Police Station Badshahpur, District Gurgaon,

registered against the petitioners.

Pursuant to the order dated 21.03.2018 of the co-ordinate Bench of this Court, learned State counsel has filed reply by way of affidavit of Sh. Ashok Bakhsi, Deputy Commissioner of Police, South, Gurugram in Court today. The same is taken on record. Be tagged at the appropriate place in the respective file.

Learned State counsel contends that as per reply, no FIR except the present one i.e. FIR No. 93 dated 08.04.2011, was found to have been registered against the petitioners. The information qua pendency of criminal cases, if any, against the petitioners was also sought from other districts of State of Haryana, neighbouring States i.e. Delhi; Agra, Gaziabad, Noida (U.P.) and Alwar (Rajasthan) etc., which has not been received, so far.

Learned State counsel has not been able to show that any of the police authorities of the above districts has ever informed about the pendency of any criminal case/FIR against the petitioners. Therefore, the report of the Judicial Magistrate Ist Class, Gurgaon, received vide letter No. 640 dated 22.09.2016, duly forwarded by the learned District and Sessions Judge, Gurgaon vide letter No. 20439/C.29 dated 26.09.2016, endorsing the compromise dated 21.01.2013 (Annexure P-2 in both cases) as genuine and is not result of any pressure or coercion in any manner, is accepted.

In view of the totality of the facts and circumstances and considering the fact that the compromise will bring harmony and peace in relations between the parties, both the above titled petitions are allowed and the aforesaid, FIR No. 93 dated 08.04.2011, under Sections 406, 418, 419, 420, 468, 471 and 120- B read with Section 34 IPC, Police Station Badshahpur, District Gurgaon and all subsequent proceedings arising

therefrom, qua the petitioners are quashed, subject to payment of costs of ₹10,000/- each, to be deposited with the Poor Patients' Welfare Fund of the Post-Graduate Institute of Medical Education and Research (PGIMER), Chandigarh, within a period of three weeks' from today, failing which this petition shall be deemed to be dismissed.

List on 25.01.2019, for production of receipt(s) regarding deposit of costs.

December 10, 2018
rishu

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**