

119.

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

CRM-M-7946-2018 (O&M)

Date of decision:15.10.2018.

SANGEETA ANAND AND ORS

... Petitioners

Versus

STATE OF HARYANA AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rahul Garg, Advocate,
for the petitioners.

Mr. Ripu Daman, AAG, Haryana,
for respondent No.1.

Mr. Rahul Bhargava, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

CRM-36873-2018

Application filed under Section 482 Cr.P.C. seeking exemption of filing certified/typed copies of Annexures R-1 to R-7, is allowed as prayed for.

CRM-36872-2018

Prayer in this application filed under Section 482 Cr.P.C. is to place on record power of attorneys executed by the LR's of Lajpat Rai Madan in favour of respondent No.2-Shashi Kandhari as Annexures R-1 to R-7.

For the reasons stated in the application, same is allowed and

CRM-M-7946-2018

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.135 dated 03.03.2014 registered under Sections 419, 420, 467, 468, 471, 120-B IPC at Police Station Sohna, Gurgaon (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement deed dated 16.12.2017 (Annexure P-2) arrived at between the petitioners and respondent No.2.

This Court vide order dated 26.02.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise/settlement.

Pursuant to the aforesaid order, parties have appeared before learned Sub-Divisional Judicial Magistrate, Sohna, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 24.04.2018 to the effect that the compromise effected between the parties is genuine and has been arrived at without any undue influence or coercion.

Learned counsel for the petitioners has argued that in the suit filed by respondent No.2 and others, the matter was compromised. The statement of respondent No.2 (plaintiff in the suit) was recorded as regards settlement dated 16.12.2017 and as a consequence thereof, suit was dismissed as withdrawn. The petitioners who are accused in the case have approached this Court under Section 482 Cr.P.C. seeking quashing of FIR on the basis of compromise/settlement. He has further argued that the aforesaid FIR was registered at the behest of respondent No.2-Shashi

Madan. Since Lajpat Rai Madan has expired, the other sisters have given their power of attorney in favour of respondent No.2 and, therefore, respondent No.2 was competent to enter into a compromise.

Learned State counsel, on instructions from ASI Sheesh Ram, states that so far as petitioners-Sangeeta Anand, Usha Mahajan, Karan Luthra, Munshi Ram and Sultan Singh are concerned, police have found them innocent during investigation, whereas challan has been presented only against Mangat Ram. However, accused Sushil Kumar is absconding.

Learned counsel for respondent No.2-complainant does not dispute the factum of compromise. The statement of complainant Shashi Kandhari has been recorded by the trial Court. It has been claimed that she is holding the power of attorney on behalf of other sisters i.e. the other affected persons. In her statement, she has stated that GPA given in her favour has not been revoked and she is competent to depose with regard to compromise on the basis of General Power of Attorney so executed by the other sisters.

Considering the fact that the matter has been resolved between the parties, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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**, this petition is allowed and F.I.R. No.135 dated 03.03.2014 registered under Sections 419, 420, 467, 468, 471, 120-B IPC at Police Station Sohna, Gurgaon (Annexure P-1) and all subsequent

settlement deed dated 16.12.2017 (Annexure P-2) arrived at between the
petitioners and respondent No.2.

(HARI PAL VERMA)
JUDGE

15.10.2018
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No