

268-2

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR No. 2475 of 2017

Date of Decision: 15.01.2018

Manju Bansal and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Simranjeet Kaur, Advocate, for
Mr. Kulvir Narwal, Advocate,
for the petitioners.

Mr. Ramesh Kumar, A.A.G., Haryana,
for respondent No. 1.

Mr. Amit Sheoran, Advocate,
for complainant/respondent No. 2.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioners, who are accused in F.I.R. No. 183, dated 07.04.2008, under Sections 420/406/467/468/471/506/120-B of the Indian Penal Code, registered at Police Station Civil Lines, Hisar, have prayed for quashing of F.I.R. with all subsequent proceedings, as also the judgment of conviction and order of sentence, dated 04.12.2014, passed by the Court below, i.e. Judicial Magistrate Ist Class, Hisar, and order dated 05.07.2017 of Ld. Additional Sessions Judge, Hisar, thereby dismissing the appeal on the basis of compromise.

[2]. The petitioners were convicted of the offences under Sections 420/467/468/471 of the Indian Penal Code and were sentenced accordingly.

Their appeal against such judgment of conviction was also dismissed. Thereafter, 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 Judicial Magistrate Ist Class, Hisar, vide report dated 20.09.2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Respondent No. 2 is represented by his Counsel and he does not oppose the compromise.

[4]. In view of the report of the Judicial Magistrate Ist Class, 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 420/467/468/471 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. 183, dated 07.04.2008, under Sections

420/406/467/468/471/506/120-B of the Indian Penal Code, registered at Police Station Civil Lines, Hisar, and all consequential proceedings arising therefrom, are also hereby quashed on the basis of compromise qua the present petitioners.

15.01.2018

Apurva

(SUDIP AHLUWALIA)

JUDGE

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No