

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

**CRM-M No.319 of 2019
Date of Decision: 22.04.2019**

KAMALUDIN AND ORS

.....Petitioners

Versus

STATE OF HARYANA AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Akshay Jindal, Advocate
for the petitioners.

Mr. Manoj K. Sangwan, DAG, Haryana.

Ms. Janya Sirohi, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.216 dated 22.06.2018, under Sections 420, 467, 468, 471,120-B and 506 of the Indian Penal Code, registered at Police Station Tauru, District Nuh (Mewat) along with all consequential proceedings arising therefrom on the basis of compromise dated 27.12.2018 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No.2.

As per the allegations in the FIR the father of the complainant had purchased land from the petitioners-accused, in village Atitka, Tehsil Tauru, District Mewat on different dates in his favour as well as in the name of Lipin Public School Managing Committee, Khoru Kalan. The complainant obtained CLU from the Director, Town and Country Planning Department, for constructions of School over the said land. Later on the petitioners-accused have interfered in the construction work and stopped the same while demanding

Rs.20 lacs from the complainant and threatened to kill him.

Heard learned counsel for the parties and perused the paper book.

On 09.01.2019, while issuing notice of motion the following order was passed by this Court:

“Contentends that the matter has been compromised between the parties.

Notice of motion.

Ms. Janya Sirohi, Advocate appears on behalf of respondent no.2 and files vakalatnama, same is taken on record.

On the asking of the Court, Mr. Yashwinder Singh, DAG, Haryana accepts notice on behalf of respondent no.1. Copy of the petition supplied to him.

Learned Counsel for the petitioners as well as respondent No.2 jointly stated that the matter has been compromised between the parties.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 24.01.2019 to get their statements recorded with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court is requested to record the statements of all accused, complainant/affected persons, if any and submit a report along with the recorded statements to this Court before the next date of hearing containing the following information:-

- (i) Whether the statements of the parties are bonafide and are not result of any pressure or coercion etc.in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid?*
- (iii). Whether all the accused, complainant and affected persons are party to the compromise and if not, the details/particulars of such person(s).*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.*

List before this Court on 11.02.2019 for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and compliance.”

In terms of above order, the statements of the parties were recorded by learned Additional Chief Judicial Magistrate, Nuh and submitted a report dated 15.02.2019. The operative part of the same reads as under:-

'On oral inquiry, both the parties stated that the matter had been settled amicably without any pressure or coercion. I have inquired from the complainant as regards the validity of the compromise. He stated that he has compromised the matter voluntarily without any pressure or coercion. Statements of both the parties have been recorded. Same are attached herewith. It is submitted that matter has been settled between the parties amicably without any pressure or coercion. I satisfied with the statements by the parties are bonafide are not any result of any pressure or coercion and compromise effected between the parties is genuine and valid. As per statement of both complainant and accused, all accused and complainant are affected persons and party to the compromise. No other case is pending against either of the parties. None has been declared as proclaimed offender.'

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence and no one has been declared as proclaimed offender in this case.

Reply dated 27.03.2019 by way of an affidavit of Sh. Dharamvir, H.P.S. Deputy Superintendent of Police, Tauru, District Nuh was filed on behalf of respondent No.1/State in the Registry of this Court. The same is taken on record.

On instructions from ASI Dharmender, learned State Counsel stated that he has no objection in case the present FIR as well as all other consequential

proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

In view of the above, this Court is fully convinced that the offences are entirely personal in nature and there is no public funds involved in this case, thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

April 22, 2019
rashmi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>