

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

**CRM-M No.14096 of 2018(O&M)
Date of Decision: 25.01.2019**

Ramesh and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Abhishek Yadav, Advocate for the petitioners.

Mr. Rahul Mohan, DAG, Haryana.

Mr. Narinder Nain, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.91 dated 17.03.2009 (**Annexure P-1**), under Sections 420, 467, 468, 470, 471, 120-B and 506 of the Indian Penal Code, registered at Police Station Model Town, District Rewari along with all consequential proceedings arising therefrom on the basis of compromise dated 28.03.2018 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No. 2.

This Court on 03.05.2018, while issuing notice of motion has passed the following order:-

“ This petition has been filed seeking quashing of FIR No. 91 dated 17.03.2009, registered for the alleged commission of offences punishable under Sections 420, 467, 468, 470, 471, 120-B and 506 IPC, at Police Station Model Town, District Rewari, as also all other subsequent

proceedings arising therefrom, on the basis of a compromise arrived at between the petitioners and respondent no 2. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

On the asking of the Court, Mr. Surinder Singh, A.A.G., Haryana, accepts notice on behalf of respondent no. 1.

Mr. Yashwinder Singh, Advocate, appears and accepts notice on behalf of respondent no. 2 and has filed his power of attorney in Court today, which is taken on record. He does not deny the factum of the compromise.

Requisite number of copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 02.08.2018.

In the meanwhile, the petitioners as also respondent no. 2 would appear before the learned appellate Court up-to 25.05.2018 to record their statements. That court would satisfy itself with regard to the authenticity of the compromise reached and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

The appellate court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

The appellate Court as also learned counsel for the State would also determine as to whether any other criminal cases of like nature or otherwise, are pending against the petitioners.”

In terms of above order, the statements of the parties were recorded by learned Additional District and Sessions Judge, Rewari and submitted a report dated 21.05.2018. The operative part of the same reads as under:-

‘Statements of appellants/accused as well as

respondent/complainant have been recorded in compliance of the above said order. The appellants/accused have also stated in their separate statements that no other criminal case is pending against them and this is the first and last case against them.'

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 and there is no public exchequer involved.

Learned State Counsel has acknowledged the above fact and further 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 above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public funds and 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.

January 25, 2019
rashmi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No