

CRM-15478-2019 in/and
CRM-M-24802-2014

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-15478-2019 in/and
CRM-M-24802-2014
Date of Decision: 05.07.2019

Prem Chand and another

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ravi Dutt Sharma, Advocate,
for the applicants-petitioner.

Mr. Surinder Singh, A.A.G., Haryana.

Mr. Aman Sharma, Advocate,
for respondent no. 2-complainant.

AMOL RATTAN SINGH, J. (ORAL)

CRM-15478-2019

By this application, quashing of the FIR registered against the applicants (petitioners in the accompanying petition) is sought, on the basis of a compromise stated to have been arrived at between the applicants (accused) and respondent no. 2, i.e. the complainant in the aforesaid FIR.

The accompanying petition had initially been filed seeking quashing of the FIR on merits, in which notice of motion had been issued and during the pendency of which a compromise is stated to have been arrived at, on 29.04.2019.

That being so, vide an order of this Court dated 27.05.2019, the applicants-petitioners were directed to deposit Rs. 20,000/- as costs, with the Welfare Centre for Persons with Speech and Hearing Impairment, Chandan Nagar, Sector 15, Phase-2, Behind ITI, Gurugram, (Bank Account No. 000434003000357, the Gurugram Central Co-operative Bank Ltd. or Bank Account No. 1245010000518, United Bank of India), as a pre-condition to recording of their statements in respect of the compromise, before the learned Illaqa Magistrate/trial Court.

The said amount having been duly deposited on 12.06.2019 as per a receipt produced in Court today by learned counsel for the applicants, issued by the United Bank of India, Jind Branch, on 12.06.2019, the learned Sub-Divisional Judicial Magistrate, Safidon, recorded the statements of both the parties on 15.06.2019, with her report dated 25.06.2019 in respect thereof having been duly received by the Deputy Registrar (Criminal) of this Court.

As per the said report, the complainant made a statement to the effect that he had settled the matter with the applicant-petitioner no. 2 Surender Kumar and his co-accused Sukhbir of his own free will and consent, without any pressure and coercion, a copy of the said statement having also been annexed with the report of the learned Magistrate. It is also stated in the report that petitioner no. 1 Prem Chand has already expired.

The joint statement of the applicant-petitioner no. 2 Surender Kumar and his co-accused Sukhbir has also been recorded by the Magistrate on 14.06.2019.

As per the assessment of the Magistrate, the compromise has been genuinely reached between the parties, of their own free will without any pressure

or coercion.

That being so, the application is allowed as is the accompanying petition, though not on the merits of what is contended in the petition, but on the basis of the compromise reached between the parties, the offences alleged to have been committed by the petitioners being those which, to my mind, would not be heinous offences in the context of which the parties cannot settle their dispute.

Consequently, the petition is allowed and FIR No. 375 dated 26.09.2013, registered against the petitioners at Police Station Safidon, District Jind, for the alleged commission of offences punishable under Sections 447/427/506 IPC, along with all proceedings emanating therefrom, is hereby quashed.

July 05, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.