

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

**CRM-M No.45159 of 2018 (O&M)
Date of Decision: 13.02.2019**

KRISHAN KUMAR AND ORS

.....Petitioners

Versus

STATE OF HARYANA AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Alisha Soni, Advocate for the petitioners.

Mr. Rahul Mohan, DAG, Haryana.

Ms. Parmeet Kaur, 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.0132 dated 01.04.2016 (**Annexure P-1**), under Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code, registered at Police Station Civil Line, Kaithal, District Kaithal along with all consequential proceedings arising therefrom on the basis of compromise dated 27.09.2018 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No. 2.

The above noted FIR had been registered with the allegation that the complainant had approached accused-Krishan s/o Rishi Ram (property dealer) to purchase the plot in question. A sale deed in the name of the complainant was executed by the said dealer and in lieu thereof, he charged Rs. 9,000/- (1 % of the purchase amount). When complainant went to the site, he had found that already one Pardeep Kumar had started construction on the said plot. After this complainant inquired about the ownership of the plot, then the

complainant came to know that the accused persons had committed fraud with the complainant.

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

On 12.10.2018, while issuing notice of motion, this Court has passed the following order:-

“ Notice of motion for 05.12.2018.

The parties are directed to appear before the trial Court/Area Judicial Magistrate on 16.11.2018 for getting their statements recorded with regard to the compromise arrived among them.

The learned trial Court is directed to indicate (i) how many total accused are facing the trial,(ii) status/stage of the trial/case (iii) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (iv) to send its report to this Court through District and Sessions Judge, before the next date of hearing.”

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Kaithal and submitted a report dated 21.11.2018. The operative part of the same reads as under:-

'(i) There are six accused persons namely Dalbir son of Mewa Singh, Balbir son of Manga Ram, Krishan Kumar son of Rishiya, Parveen Kumar son of Kartar Singh, Naib Singh son of Jaagir Singh and Rajni Devi are facing trial.

(ii) Case is at the stage of arguments on charge.

(iii) Statement of complainant Neetu wife of Rakesh Kumar and accused Dalbir son of Mewa Singh, Balbir Singh son of Manga Ram, Krishan Kumar son of Rishiya, Parveen Kumar son of Kartar Singh, Naib Singh son of Jaagir Singh and Rajni Devi recorded. Compromise effected between complainant and accused appears to be genuine. Parties are not under any pressure.'

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.

On instructions from SI Lagwant Singh, 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 the above, this Court is fully convinced that the offences are entirely personal in nature and there is no public funds involved 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.

February 13, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

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