

CRM-M-NO.44240 OF 2015

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202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-NO.44240 OF 2015

Date of Decision: 08.04.2019

Majid and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

CORAM HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present Mr.Jamshed Ahmed, Advocate for the petitioners.
Mr. Yashwinder Singh, DAG, Haryana.
Mr.Rituraj Singh, Advocate for respondent no.2-complainant.

MAHABIR SINGH SINDHU, J (ORAL)

Present petition has been filed under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') for quashing of FIR No.156 dated 11.03.2013 under Sections 420, 467, 468, 471 and 120 of the Indian Penal Code (for short 'IPC'), registered at Police Station Nuh, District Mewat along with all consequential proceedings arising therefrom.

The case of the prosecution is that a suit for declaration impugning the validity of mutation regarding the land in dispute was filed by petitioners and learned trial Court granted status quo on 14.12.2012. A criminal complaint was also filed by the petitioners against the private respondents and they were summoned on 30.01.2013 to face trial. Thereafter, on 11.03.2013, respondent no.2 got registered the present FIR as a counter blast concealing the material fact about pendency of the civil as well as criminal litigation.

This Court, on 29.01.2019, passed the following order:-

“ It has been acknowledged by learned counsel

for the injured - respondent no.2 that the matter has been compromised between the parties and even the FIR in question already stands quashed qua the other co-accused vide order dated 12.10.2015 passed in CRM-M-37010 of 2013.

In view of the above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 07.02.2019 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 bona fide 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 25.02.2019 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 aforesaid order, the statements of both the parties were recorded by learned Chief Judicial Magistrate, Nuh and submitted a report dated 07.02.2019. The operative part of the same reads as under:-

“The statement of complainant Akbar and accused persons Mohd. Iqbal, Irfan, Om Parkash and Majid recorded and as per the statement point wise report is as under:-

- i The statements of the parties are bona fide and are not result of any pressure or coercion etc.;*
- ii The compromise effected between the parties is genuine and valid;*
- iii The complainant Akbar and accused Mohd. Iqbal, Irfan, Om Parkash and Majid are parties to the compromise.*
- iv No other case is pending against either of the parties.*
- V No accused is proclaimed offender in this case.*

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. Even before this Court also, there is no objection by either of the parties in case the FIR in question is quashed. Concededly the FIR qua other 11 co-accused persons

has already been quashed by this Court vide order dated 12.10.2015 passed in CRM No. M-37010 of 2013, titled Dev Raj and others v. State of Haryana and another, decided on 12.10.2015.

Learned State Counsel, on instructions from ASI Kalyan Singh, has submitted that he also has no objection in case the aforesaid FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties in this case.

Learned counsel for the complainant has also no objection in case the aforesaid FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties in this case.

In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not involve 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.

08.04.2019
mamta

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No