

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-49179-2018 (O&M)
Date of Decision:-21.2.2019

Rajat Goyal @ Rajat Goel

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manuj Nagrath, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana,
and Ms. Aditi Girdhar, Assistant Advocate General, Haryana,
assisted by ASI Mange Ram.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks quashing of FIR No.20 dated 9.1.2017 registered at Police Station Pinjore, District Panchkula under Section 406 of Indian Penal Code, 1860 and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties and also setting aside of order dated 30.4.2018 (Annexure P-5) passed by learned Sub-Divisional Judicial Magistrate, Kalka.

Reply by way of affidavit of Sh. Pawan Kumar, HPS, Assistant Commissioner of Police, Kalka, Panchkula has been filed by learned State counsel today in Court, which is taken on record.

Vide order dated 12.11.2018, the parties had been directed to appear before the Illaqa Magistrate/trial Court so as to get their statements recorded qua the factum of compromise.

Report of learned Sub-Divisional Judicial Magistrate, Kalka has been received, wherein it has been reported that statements of petitioner/accused Rajat Goyal and also of complainant Neel Chand, Sr. Manager, PNB Marranwala, Tehsil Kalka, District Panchkula have been recorded to the effect that they have compromised the matter amongst themselves and they have no objection in case the FIR is quashed.

The learned Sub-Divisional Judicial Magistrate, Kalka has specifically opined that the parties have entered into compromise voluntarily without there being any pressure, coercion or undue influence.

In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No.20 dated 9.1.2017 registered at Police Station Pinjore, District Panchkula under Section 420 of Indian Penal Code, 1860 and all the consequent proceedings arising therefrom are hereby quashed qua the petitioner. Consequently, order dated 30.4.2018 (Annexure P-5) passed by learned Sub-Divisional Judicial Magistrate, Kalka is set aside.

21.2.2019

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**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No