

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

**CRM-M No.51117 of 2018(O&M)
Date of Decision: 15.02.2019**

SANDEEP KUMAR

.....Petitioner

Versus

STATE OF HARYANA AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

Mr. Ravinder Phogat, Advocate for
Mr. Vikrant Rana, 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.191 dated 19.06.2015 (**Annexure P-1**), under Sections 420, 467, 468 and 471 of the Indian Penal Code, registered at Police Station Civil Lines, Bhiwani along with all consequential proceedings arising therefrom on the basis of compromise deed dated 17.11.2018 (**Annexure P-2**) entered into between the parties i.e. petitioner as well as respondent No. 2.

The above noted FIR had been registered with the allegation that the accused committed fraud by selling the land measuring 0 kanal 6 marla situated in Khewat No. 1838/1778 Khasra No. 221//25/2 (4-9), 222//5(7-12), 6 (7-12), 16/2 (4-17), 25/1 (3-3) total land measuring 27 Kanal 13 Marla situated in the revenue estate of Bhiwani Lohar, District Bhiwani and has taken earnest money to the tune of Rs.3,50,000/- from the the complainant. The accused agreed to execute the sale deed on 05.06.2012 and has promised to execute the sale deed in favour of the complainant, but the accused with the intention to commit fraud with the complainant has sold the above said property to one Santosh Devi w/o Sat Narain vide registered sale deed No. 2721 dated 13.06.2012.

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

On 21.11.2018, while issuing notice of motion, this Court has passed the following order:-

“Prayer made in this petition is for quashing of FIR and all the consequential proceedings arising therefrom on the basis of the compromise between the parties.

Notice of motion for 15.02.2019.

At this stage, Mr. Vikrant Rana, Advocate, has put in appearance on behalf of respondent No.2 and filed his power of attorney, which is taken on record. He admits the factum of compromise entered between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 18.12.2018.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;
- (ii) Whether any accused is proclaimed offender; and
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence”

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Bhiwani and submitted a report dated 19.12.2018. The operative part of the same reads as under:-

' I am satisfied that the parties have compromised their disputes out of their free will and consent and they wish to get the FIR no. 191 dated 19.06.2016, registered at Police Station Civil Lines, Bhiwani quashed from Hon'ble Punjab and Haryana High Court. Accordingly, considering the on oath statements of parties, in my opinion, the compromise between the parties happens to be a valid compromise and has been executed out of their free will and consent.'

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 ASI Shamsheer 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 petitioner.

February 15, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

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