

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

(1) CrI. Misc. No. M-24655 of 2019 (O&M)

**(2) CrI. Misc. No.M-24734 of 2019 (O&M)
Date of decision: November 07, 2019**

Deepak Kumar Rathi

..... PETITIONER

Versus

State of Haryana and others

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Navmohit Singh, Advocate
for the petitioner in both the petitions.

Mr. Kuldeep Sharma, D.A.G., Haryana.

Mr. Abhinav Sood, Advocate
for respondents No. 2 and 3.

SURINDER GUPTA, J(Oral)

**CRM-30760-2019 in
CRM-M-24655-2019**

This is application to place on record photostat copy of zimni order dated 13.06.2019 (Annexure P-4).

Application is allowed. Document (Annexure P-4) is taken on record subject to all just exceptions.

**CRM-M-24655-2019 and
CRM-M-24734-2019**

Reply by way of affidavit of Ajaib Singh, Deputy Superintendent of Police, Bahadurgarh, District Jhajjar filed by learned State counsel today in the Court is taken on record.

This order will dispose of both the aforementioned petitions

filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.').

First petition has been filed seeking quashing of case bearing FIR No. 86 dated 03.03.2015 registered at Police Station City Bahdurgarh, District Jhajjar for the offences punishable under Sections 420 and 406 of Indian Penal Code (for short 'IPC') on the basis of compromise (Annexure P-1) and in second petition quashing of order dated 03.10.2015 passed by JMIC, Bahadurgarh whereby petitioner was declared as proclaimed person in the abovementioned FIR, has been sought.

The petitioner was earlier declared as proclaimed offender but later on he was allowed interim bail vide order dated 28.05.2019 passed in ***CRM No. M-24734 of 2019.***

As per case of the prosecution, the petitioner sold a plot alleging the same to be of Sadhu Ram to complainant vide sale deed dated 27.01.2011. When the complainant went to the spot to raise a boundary wall, one Mukesh Goyal son of Jagdish Ram came at the spot and intimated him that the plot belonged to him.

Learned counsel for the petitioner submits that the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-1.

Learned counsel for private respondent endorses the submission of learned counsel for the petitioner and has no objection if the impugned FIR is quashed.

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated

13.06.2019 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, both the petitions are allowed and FIR No. 86 dated 03.03.2015 was registered at Police Station City Bahdurgarh, District Jhajjar along with all consequential proceedings arising therefrom along with proceeding declaring him as proclaimed offender, qua petitioner, are quashed.

November 07, 2019
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No