

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CRM No. M- 6789-2020

Date of Decision : 09.10.2020

PULKIT GUPTA AND OTHERS

....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Abhayveer Sharma, Advocate for the petitioners.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Mr. Kunal Dawar, Advocate for respondent No. 2.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed for quashing the FIR No. 59 dated 11.03.2017, under Sections 34, 377, 406 and 498-A IPC, registered at Women Police Station, Gurgaon and also all the consequential proceedings arising out of the said FIR on the ground that the parties have already settled their differences vide compromise dated 18.12.2019.

On the prayer of the petitioners noticed above, parties were directed to appear before the trial Court to record their statements in respect of the assertion that the parties have compromised the matter between themselves and the complainant, according to the compromise, is no longer interested in pursuing the allegations alleged in the FIR.

A report dated 06.10.2020 has been received from the learned

Judicial Magistrate Ist Class, Gurgaon, wherein, it has been mentioned that the statements of the parties have been recorded in respect of the compromise effected between them and as per the statements, the said compromise has been entered between with free will and full sense of the parties and they undertake to comply with the terms and conditions of the compromise dated 18.12.2019. The statements duly signed by the respective parties have also been sent alongwith the report. As per one of the term and condition of the compromise, the complainant has agreed not to pursue the allegations alleged in FIR No. 59 dated 11.03.2017 in respect of the accused arrayed therein and has no objection if the said FIR is quashed.

Mr. Kunal Dawar, learned counsel appearing on behalf of the complainant reiterated the same position before this Court today as well. Learned counsel submits that he has no objection in case, the present FIR is quashed keeping in view the compromise effected between the parties as the parties have decided to bury their hatchet and live peacefully so as to move on in their respective lives.

Keeping in view the facts recorded above as well as the allegations under which the FIR No. 59 dated 11.03.2017 was registered, no useful purpose will be served in keeping the present FIR pending and alive especially in view of the facts and circumstances noticed hereinbefore. The parties have reiterated their position to comply by the terms and conditions of the compromise more than once i.e. once before the trial Court and again now during the hearing today before this Court. Keeping in view the principle laid down by the Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and others***, 2012 Vol. III RCR (Criminal)

1052, which view already stands approved by the Hon'ble Supreme Court of India in *Gian Singh Vs. State of Punjab and others*, 2010 Vol. X (SCC) 303, the prayer of the petitioners for quashing of FIR No. 59 dated 11.03.2017 and the consequent proceedings arising thereof is allowed. Accordingly, the FIR No.59 dated 11.03.2017 and all consequential proceedings arising thereof are quashed qua the present petitioners in view of the facts and circumstances noted hereinbefore.

As, the present order is being passed on the basis of the compromise dated 18.12.2019, the parties will be bound by their respective terms and conditions imposed therein.

October 09, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*