

(Through Video Conferencing)

CRM-M-25742-2020

Date of Decision: 15.12.2020

Veerpal Harsana and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Sachin Mittal, Advocate,
for the petitioners.

Mr. Rajneesh Chadwal, Asstt. Advocate General, Haryana.

Mr. Hirein Sharma, Advocate,
for respondent No.2.**NIRMALJIT KAUR, J. (ORAL)**

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.395 dated 03.11.2019, under Sections 392, 397, 506 and 34 of IPC registered at Police Station Sector 17/18, Gurugram on the basis of compromise.

It is contended that the dispute was between the employer and the employees. The matter has now been compromised between the parties. The matter being compromised, therefore, there are bleak chances of conviction of the accused during trial. The bail was also allowed by this Court, vide order dated 18.08.2020 passed in CRM-M-22393-2020, in view of the said compromise.

Vide order dated 02.09.2020, the co-ordinate Bench of this Court directed the parties to appear before the trial Court for getting their statements recorded with regard to the compromise with a further direction

validity of the compromise.

The report of the Judicial Magistrate Ist Class, Gurugram has been forwarded by learned District and Sessions Judge, Gurugram vide his forwarding letter No.2024/C.29 dated 24.11.2020. As per report of the Judicial Magistrate Ist Class, Gurugram, dated 24.11.2020, the statements of complainant namely Parshuram Nypane son of Chavi Lal and the accused namely Sachin Harsana and Veerpal Harsana have been recorded. As per their statements, the matter has been amicably settled and the parties entered into the compromise voluntarily without any fear, undue pressure or coercion. The compromise dated 22.07.2020 is also on record.

In view of the above, it is evident that the compromise is genuine.

Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs State of Punjab**, 2008 (2) RCR (Criminal) 429, observed as under:-

“We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation.”

That a Five Judge Bench of our own High Court in **Kulwinder Singh and others Vs State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, too stated that “the compromise, in a modern society, is the sine qua non of harmony and orderly behavior. It is the soul of justice and if

the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

The learned counsel for the complainant too confirms the compromise and stated that he has instructions to state that the complainant has no objection, if the FIR is quashed.

In view of the above, this Court has no inhibition in accepting the compromise and to quash the FIR on the basis of said compromise.

Accordingly, the present petition is allowed and the FIR No.395 dated 03.11.2019, under Sections 392, 397, 506 and 34 of IPC registered at Police Station Sector 17/18, Gurugram and all other consequential proceedings arising out of it are quashed.

It goes without saying that the parties will be bound by the said compromise.

(NIRMALJIT KAUR)
JUDGE

15.12.2020
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No