

Ravinder Kharab and another

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Yashveer Kharb, Advocate for the petitioners.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Varun Singh Dhanda, Advocate for respondent No. 2.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition is for quashing of FIR No. 232 dated 05.06.2020 under Sections 406, 420 IPC and under Sections 24 of Immigration Act registered at Police Station Sector 32-33, Karnal, District Karnal and all other consequential proceedings arising therefrom on the basis of a compromise dated 06.06.2020 (Anneuxre P2) arrived at between the parties.

Learned counsel for the petitioners and respondent No. 2 submit that the petitioners and respondent No. 2 are distant relatives. The above said FIR was registered due to misunderstandings between them. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 06.06.2020. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

This Court on 17.09.2020 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at out of the free will and volition of the parties without any coercion, fear or undue influence. Learned trial court/Illaqa Magistrate was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 17.09.2020, the parties appeared before the learned Judicial Magistrate First Class, Karnal and their statements were recorded on 28.09.2020. Respondent No.2 stated that the matter has been compromised by him with all the accused persons out of his own free will, without any pressure or coercion. Respondent No.2 stated that he has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 28.09.2020 received from the learned Judicial Magistrate First Class, Karnal, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any coercion or undue influence. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioners.

Learned counsel for the State submits that as the parties have amicably resolved the matter in order to maintain peace and harmony, the State has no objection to the quashing of this FIR on the basis of a settlement arrived at between the parties.

In **Kulwinder Singh and others versus State of Punjab and another** 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code 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”.

Keeping in view the facts and circumstances of this case, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuance of the present proceedings. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 232 dated 05.06.2020 under Sections 406, 420 IPC and under Sections 24 of Immigration Act registered at Police Station Sector 32-33, Karnal, District Karnal alongwith all consequential proceedings are, hereby, quashed.

October 26, 2020
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No