

CRM-M-40951-2019

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

Sr. No.274

CRM-M-40951-2019

Date of Decision: 14.01.2020

RAVINDER SINGH AND ANOTHER

....Petitioners

VS

STATE OF HARYANA AND OTHERS

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

Mr. Saurabh Girdhar, AAG, Haryana.

**Mr. Ankit Singla, Advocate,
for respondent No.2.**

ARCHANA PURI, J. (ORAL)

The present petition has been filed for seeking quashing of FIR bearing No.708 dated 14.09.2019 under Section 406, 420, 506, IPC, registered at Police Station Model Town, Panipat.

Compromise is stated to have been effected between the parties on the basis whereof, quashing of the impugned FIR has been sought.

On 23.09.2019, a direction was given by this Court, thereby asking the parties to make appearance before the learned trial Court/Illaq Magistrate on 29.10.2019 or any other date convenient to the Court for recording their statements, with regard to the compromise. Even, further direction was given to the concerned Court to record the statements of both the parties to its satisfaction to

know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. Also, further direction was given to the concerned trial Court/Illaq Magistrate to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties, before the next date of hearing. Further, it shall also be reported whether petitioner(s) have been declared proclaimed offenders in this case or not.

In consonance with the directions so given by this Court, the concerned parties have made appearance before the trial Court and needful was done.

Report has also been received from the concerned Magistrate, wherein it has been stated about the parties to have made appearance and got the statements recorded. It is stated by the concerned Magistrate that complainant-Pardeep Kumar, without any pressure, coercion, undue influence, suffered a statement for arrival of compromise, between him and accused persons, namely Ravinder son of Balbir and Balbir son of Daya Singh, residents of House No.57, Lateek Garden, Assandh Road, Panipat, in the FIR in question. He had got registered the case against Ravinder and Balbir due to misunderstanding. He has also given his affidavit dated 16.09.2019 in his full consciousness. The said affidavit has been brought on record, which is Ex.C1. He also stated that he has no objection, if the present matter is cancelled by the Hon'ble Court. He does not want to proceed with the aforesaid FIR. Similar statement was also made by Satender as well as Affidavit, Ex.C2 was furnished.

In the report also, it is stated by the concerned Magistrate that Ravinder and Balbir had also suffered a joint statement without any pressure, coercion, undue influence to the effect that Pardeep Kumar got FIR bearing No.708 dated 14.09.2019 under Sections 406, 420, 506 IPC, registered at Police Station Model Town, District Panipat, against them. A panchayati compromise was effected between them and complainant-Pardeep Kumar. In this regard, complainant-Pardeep Kumar and Satender, have given their affidavits dated 16.09.2019, which are Ex.C1 and Ex.C2, respectively and as per the same, the present case may be cancelled by the Court.

In the report, it is further stated that in view of the statements of the complainant and the accused, matter has been compromised between the parties voluntarily, without any pressure, coercion or undue influence working on their minds. Besides, the same, also it has been stated in the report that none of the accused is absconding/Proclaimed Offender, in this case. In fact, as per the report of Investigating Officer, arrest has not been made against the accused till yet and investigation is still pending.

Thus, from the contents of the report made by the concerned Magistrate as well as on going through the affidavits and statements, copies whereof have been annexed with the report, it is evident that the compromise arrived between the parties is genuine one and without any pressure, coercion or undue influence working on their minds.

In view of this compromise, considering the continuation of the proceedings to be a futile exercise, which shall not serve any

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purpose. Rather it shall enhance the relationship. Therefore, without prejudice to the rights of the parties, to be adjudicated in any other proceedings pending between the parties, the petition as such is hereby accepted and the FIR bearing No.708 dated 14.09.2019 under Sections 406, 420, 506 IPC, registered at Police Station Model Town, District Panipat, along with all subsequent proceedings arising therefrom, stands quashed.

Accordingly, the petition stands disposed of.

(ARCHANA PURI)
JUDGE

January 14, 2020.

Himanshu

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No