

Balbir vs. State of Haryana

CRM-M-4066-2021

Lakhveer Singh and ors. vs. State of Haryana and ors.

Present: Mr. Munish Kamboj, Advocate,
for the petitioners.

Case heard by video conferencing.

CRM-M-4066-2021

By this petition, the petitioners seek quashing of FIR No.274, dated 30.12.2020, registered at Police Station Behal, Bhiwani, alleging therein the commission of the offences punishable under Sections 323, 365 and 34 of the IPC, as also all other subsequent proceedings arising therefrom, on the basis of a compromise (Annexure P-2), arrived at between the petitioners and respondents no.2 and 3.

Notice of motion be issued to the respondents.

On the asking of the Court, Mr. Surender Singh, AAG, Haryana, accepts notice on behalf of respondent State and Mr. Tarun Sharma, Advocate appears and accepts notice on behalf of respondents no.2 and 3.

A copy of the petition be e-mailed to them during the course of the day.

Adjourned to 11.05.2021

In the meanwhile, the petitioners, as also respondents no.2 and 3 would appear before the learned Area Magistrate/trial Court (as the case may be) up to 17.03.2021 to record their statements. That Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

That Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

The learned State counsel would also verify whether there are any other criminal cases, of like nature or otherwise, pending against the petitioners.

On 08.02.2021, the following order had been passed:-

“By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.274, dated 30.12.2020, having been registered at Police Station Behal, District Bhiwani, alleging therein the commission of offences punishable under Sections 323, 365, 452 and 34 of the IPC.

Learned counsel for the petitioner submits that the matter has in fact been compromised between the parties and even a petition bearing CRMM-4066 of 2021 has been filed seeking quashing of the FIR on the basis of the said compromise, with that petition to come up for hearing on 12.02.2021.

Notice of motion is issued, with Mr. B.S. Virk, learned DAG, Haryana, accepting notice on behalf of the respondent State, on the asking of the court.

He submits that as per his instructions the alleged abduction of one Pooja Rani was actually because of a marriage alleged to have been performed between the complainant in the FIR and the niece of the petitioner, which marriage the petitioner and his family were not accepting but with the matter allegedly having been compromised between them.

Adjourned to 12.02.2021.

To be heard along with CRM-M-4066 of 2021. In the aforesaid circumstances, the petitioner be not arrested.”

In view of the fact that the matter has been settled between the petitioner and the complainant in the FIR, with this court in any case on that basis having directed that the petitioner be not arrested vide its order dated 08.02.2021, and with Mr. Tarun Sharma, Advocate, learned counsel appearing for the complainant not denying the factum of the compromise, the petition is allowed, with the petitioner directed not to be arrested.

It is to be observed that the though otherwise normally the petitioner would be directed to join investigation, however, since the petitioner and the alleged 'abductee' have actually married each other, the petitioner is not being directed to join any investigation, subject to the complainant making a statement before the trial court in respect of the compromise reached between the parties.

If the complainant in the FIR (respondent no.2 in CRM-M- 4066-2021) and respondent no.3 in CRM-M-4066-2021, i.e. Pooja, does not make that statement in favour of the compromise, an application/petition for cancellation of the bail can, naturally, be filed.

A photocopy of this order be placed on the file of the other connected case.

February 12, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**