

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(222) CRM-M-11622-2021
Date of Decision : November 22, 2021

Dalip Kaur and others .. Petitioners

Versus

State of Haryana and others .. Respondents

(222-A) CRM-M-28252-2021

Jatinder Kumar and others .. Petitioners

Versus

State of Haryana and others .. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanjiv Kumar Yadav, Advocate, for the petitioners,
(in CRM-M-11622-2021) and for respondents No. 2 & 3,
(in CRM-M-28252-2021).

Mr. Dhruv Gupta, Advocate, for the petitioners,
(in CRM-M-28252-2021) and for respondents No. 2 to 4,
(in CRM-M-11622-2021).

Mr. Karan Garg, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

By this common order, two petitions are being disposed of as these petitions arise out of the same incident for which the FIR in question as well as the cross case were registered.

Present two petitions, which have been filed for quashing of FIR No.130 dated 04.06.2018 registered under Sections 323, 34, 427 and 506 IPC (Section 435 IPC added later on) at Police Station Ambala Sadar, District Ambala as well as cross case bearing FIR No.133 dated 06.06.2018 registered under Sections 323, 427, 452, 506 and 34 IPC at Police Station

Ambala Sadar, District Ambala and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

The Coordinate Bench of this Court while issuing notice of motion on 15.03.2021 had passed the following order:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No. 130 dated 04.06.2018, registered under Sections 323, 34, 427, 506 IPC to which Section 435 IPC was added subsequently, at Police Station Ambala Sadar, District Ambala along with all consequential proceedings emanating therefrom, on the basis of compromise, Annexure P/4 dated 23.02.2021 as well as decision of Hon’ble the Full Bench of this Court in Kulwinder Singh and Ors. Vs. State of Punjab and Anr., 2007 (3) RCR (Criminal) 1052.

Notice of motion.

Mr. Pawan Longia, DAG, Haryana accepts notice on behalf of respondent No. 1 and states that he does not wish to file reply in view of amicable settlement of the dispute amongst the parties vide compromise, Annexure P/4 dated 23.02.2021, as well as the judgment cited by learned counsel for the petitioner.

Mr. Dhruv Gupta, Advocate puts in appearance and accepts notice on behalf of respondent Nos.2 to 4 and states that he has no objection, if the aforementioned FIR and all consequential proceedings emanating therefrom are quashed in view of compromise, Annexure P/4 dated 23.02.2021, as well as judgment cited by learned counsel for the petitioner.

Accordingly, in view of the position as noted above, the parties are directed to put in appearance before the learned Illaqa Magistrate/ Duty Magistrate concerned for recording of their statements in terms of compromise, Annexure P/4 dated 23.02.2021 on 31.03.2021 or any other date thereafter, convenient to the learned Illaqa Magistrate/ Duty Magistrate

concerned.

Report regarding genuineness of the compromise as also whether any other person(s) has/ have been nominated as accused and whether any person(s) has / have been declared proclaimed offender, whether challan has been filed, whether there is any cross case etc. be filed before this Court by the next date.

List on 30.04.2021.

Reply, if any, be filed in the meantime.”

A report has come from Judicial Magistrate Ist Class, Ambala, addressed to the Registrar General of this Court dated 16.04.2021 along with the statements of the accused-petitioners as well as the complainant which have been recorded. As per the said report, the compromise between the parties is bona fide and is not a result of any pressure or coercion on any of the parties to the compromise and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. The said report is as under:-

“ xxxx Point wise information as sought by the Hon'ble High Court is submitted as under:-

(i)	Number of persons arrayed as accused in FIR?	In the present case, three accused have been arrayed namely Mandeep Singh @ Lahoria, Dalip Kaur and Amanjot Kaur.
(ii)	Whether any accused is a proclaimed offender?	As per IO of the case, none of the accused has been declared as proclaimed offenders or proclaimed persons and there are only three accused and challan has been filed in the aforesaid FIR on 16.07.2018 against abovementioned three accused persons.
(iii)	Whether the compromise is genuine, voluntary and without any coercion or undue influence?	Both the parties have admitted that the compromise has been effected by them and it appears to be genuine and valid. I am satisfied that the compromise has been arrived at with the free consent of the parties and without any undue influence or coercion from any side.

(iv)	Whether there is any cross case etc., pending?	As per joint statement of accused persons and investigating officer, a cross case bearing case No.133/2015 titled as State vs. Jitender and others against complainant and others and the same is pending for 08.07.2021 before the Ld. Court of Ms. Yachana, Ld. JMIC, Ambala.
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Learned counsel appearing for the respective parties submit that in the present case, there is no one, who was hurt grievously and therefore, on the basis of the said compromise, the FIR as well as cross FIR No.133 dated 06.06.2018 in question, the details of which have been given hereinbefore, may kindly be quashed.

Learned State counsel submits that the challan has already been presented in both the FIRs but the evidence is yet to be recorded but raises no technical ground so as to decline the prayer of the petitioners for quashing of the FIR on the basis of compromise that one Ms. Shilpi, who is arrayed as an accused in FIR No.133 dated 06.06.2018, is not a party to the compromise.

Learned counsel for the petitioners (in CRM-M-28252-2021) submits that Shilpi is estranged wife of petitioner No.3 Lalit Kumar and as, she is not living with him, she has not entered into compromise and that is why, she has been impleaded as respondent No.3 in the present petition.

Learned counsel for the complainant submits that though, Shilpi has not entered into compromise with them but keeping in view the facts and circumstances of this case but as the parties want to live peacefully and to end this dispute, he does not have any objection in case, the FIR is quashed in totality rather than being maintained for respondent No.3.

Keeping in view the totality of the circumstances which have

been mentioned herein before and that the parties have already entered into compromise to settle their dispute so as to live peacefully and none of the accused is a proclaimed offender and there are no other criminal cases against the accused-petitioners, this Court is inclined to accept the joint prayer of the parties for quashing the FIR No.130 dated 04.06.2018 as well as cross FIR No.133 dated 06.06.2018 on the basis of the compromise.

Thus, the FIR No.130 dated 04.06.2018 registered under Sections 323, 34, 427 and 506 IPC (Section 435 IPC added later on) at Police Station Ambala Sadar, District Ambala as well as cross case bearing FIR No.133 dated 06.06.2018 registered under Sections 323, 427, 452, 506 and 34 IPC at Police Station Ambala Sadar, District Ambala and all other subsequent proceedings arising therefrom are quashed on the basis of compromise entered into between the parties.

The above order, quashing of FIR as well as cross FIR No.133 dated 06.06.2018, will be subject to the payment of Rs.10000/- as cost in each petition by the petitioners, to be deposited with Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No.014894600000970, SCO 151-152, Sector 9- C, Chandigarh or A/c No.100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch.

November 22, 2021*harsha***(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No