

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(219)

CRM-M-34185-2021

Date of decision: - 06.10.2021

Mohit Nagpal

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sudhir Rana Advocate, for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Vishal Thakur, Advocate, for respondent No.2.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.532 dated 24.10.2020, under Sections 406, 420, 506 and 120-B IPC (Sections 467, 468 and 471 IPC added later on), registered at Police Station Sector 32-33, Karnal as well as all the subsequent proceedings arising out of the same, keeping in view the compromise dated 15.07.2021 (Annexure P-2), which has been entered into between the parties.

While issuing notice of motion on 23.08.2021, a Coordinate Bench of this Court had passed the following order :-

“The case has been taken up for hearing through video conferencing.

The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.532 dated 24.10.2020 registered under Section 420, 406, 506, and 120-B of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Sector 32-33, Karnal, District Karnal to which Sections 467, 468 and 471 of the IPC were added later on and all subsequent proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of Motion.

Pursuant to supply of advance copy of the petition, Mr. Ranvir Singh Arya, Addl. A.G. Haryana, has appeared and accepted notice on behalf of respondents No.1-State.

Mr. Vishal Thakur, Advocate has appeared on behalf of respondent No.2 and undertakes to file his power of attorney in the Registry.

Learned Counsel for respondent No.2 admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 31.08.2021 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing-06.10.2021 containing the following information :-

1. Number of persons arrayed as accused in FIR.
2. Whether any accused is proclaimed offender.
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.
4. Whether the accused persons are involved in any other case or not.
5. Current stage of the case.

The trial Court/Illaq Magistrate is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

The trial Court/Illaq Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.

Reply by respondent No.1-State be filed on the date of hearing

fixed, if so desired.”

A report has come from the Judicial Magistrate First Class, Karnal, addressed to the Registrar General of this Court dated 24.09.2021, along with the statements of the accused-petitioner as well as the complainant, which have been recorded. The relevant part of said report is as under: -

“2. Statement of complainant Deepak Khanna and accused Mohit Nagpal has been recorded on solemn affirmation wherein they stated that the compromise has been arrived at between them with their free consent without any pressure of any kind. They requested for quashing the aforesaid FIR in view of the voluntary compromise arrived at between them. Accused Mohit Nagpal also suffered a statement to the effect that he has never been declared offender/person by the Court.

3. Further, statement of Investigating Officer ASI Shiv Charan No.251 has also been recorded. He stated that three persons namely Mohit Nagpal, Khushi Nagpal and Vipin Narang were arrayed as accused in the present FIR but during investigation, two accused namely Khushi Nagpal and Vipin Narang were found innocent and case is pending against only one accused namely Mohit Nagpal. He further suffered a statement to the effect that none the accused was ever declared proclaimed person/PO as per the police record and the case is at the stage of prosecution evidence. He also suffered a statement that as per police record, no other case is registered against the accused.

4. After careful perusal of the statement given an solemn affirmation by the complainant as well as accused vis-a-vis compromise concerning the present case and after careful analysis of the same, this Court is convinced that the compromise between the parties in question is appears to have been entered into voluntarily without any pressure or inducement and no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion. Therefore, the above report is

forwarded for your kind perusal, please.”

Learned counsel for the petitioner submits that the parties have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the FIR alive.

Learned counsel for respondent No.2 admits the compromise as well as the statements made before the Judicial Magistrate First Class, Karnal and does not raise any objection, in case the FIR in question is quashed on the basis of the compromise.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise.

Keeping in view the totality of the circumstances, which have been mentioned hereinbefore 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-petitioner, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, FIR No.532 dated 24.10.2020, under Sections 406, 420, 506 and 120-B IPC (Sections 467, 468 and 471 IPC added later on), registered at Police Station Sector 32-33, Karnal and all other subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise entered into between the parties.

The above order, subject to the cost of Rs.15,000/- to be paid by the petitioners in 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, as the litigation generated by the petitioner has wasted precious time of not only this Court but also of the Court below.

October 06, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No