

**CRM No.21156 of 2021 in/and
CRM-M-32155 of 2019**

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

**CRM No.21156 of 2021 in/and
CRM-M-32155 of 2019
Date of decision:03.08.2021**

Nitin Sharma

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Devender Arya, Advocate
for the applicant-petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Aman Sharma, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due
to Covid-19 pandemic.

CRM No.21156 of 2021

Prayer in the application is for preponement of the main case
which is fixed for hearing on 19.08.2021.

Notice of the application to the non-applicant/respondents.

On asking of the Court, Mr.Gurmeet Singh, Assistant Advocate
General, Haryana accepts notice on behalf of the non-applicant/respondent
No.1 and Mr. Aman Sharma, Advocate accepts notice on behalf of the non-

applicant/respondent No.2. They have not opposed the prayer made in the application.

Application is allowed. Hearing of the main case is preponed to today and is taken on Board for hearing today itself.

CRM-M-32155 of 2019

The instant petition has been filed for quashing of FIR No.213 dated 25.07.2018 registered under Sections 384, 386 of Indian Penal Code, 1860 at Police Station Nangal Chaudhary, District Mahendergarh (Annexure P-1) on the basis of compromise/agreement and affidavit (Annexures P-2, P-3 and P-4) arrived at between the parties.

Counsel for the petitioner contends that FIR is an outcome of mis-understanding arisen out of the financial dispute between the parties which has been settled by virtue of compromise, Annexure P-2.

Vide order dated 05.11.2019, the parties were directed to appear before the trial Court to get their statements recorded regarding the compromise and a report was called for from the Court.

After recording the statements of the accused-petitioner and complainant-respondent No.2, Civil Judge (Junior Division)-cum-JMIC, Narnaul has submitted a report, relevant extract of which is as under:-

“From the statements of the parties, this Court is of the view that the matter has been compromised and the compromise is genuine in view of its terms and conditions and the compromise has arrived between the parties voluntarily and

without any pressure or coercion in this regard. Statements of parties are attached herewith for kind perusal.

<i>Total no.of accused</i>	<i>1(One) (Nitin Sharma s/o Shiv Kumar Sharma Caste General R/o Kailash Nagar Narnaul, District Mohindergarh, Haryana.</i>
<i>Total no.parties</i>	<i>2(two)(complainant Mahesh Nimawat and accused Nitin Sharma)</i>
<i>Information regarding conviction</i>	<i>Accused not convicted in any case</i>
<i>Involvement any case</i>	<i>In other case, State Vs. Nitin etc. Case No.CHI/746/2018, FIR No.214 dated 12.05.2017 U/s 499/120B/509/228A IPC AND 66E, 67A IT Act PS City Narnaul, Haryana Pending in the same Court Sh.Anil Kumar Ld. JMIC, Narnaul on 26.03.2020 for consideration on charge. Accused is on bail in both cases.</i>
<i>PO</i>	<i>: Never</i>
<i>Pendency of any</i>	<i>: In other case State Vs. Nitin etc. Case No.CHI/746/2018.”</i>

Supreme Court in ***Gian Singh Versus State of Punjab and another***, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The Full Bench of this Court in case ***Kulwinder Singh vs. State of***

Punjab and another, 2007(3) RCR (Criminal) 1052 and Division Bench of this Court in case *Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102* held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

Counsel for the parties are also *ad idem* that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.213 dated 25.07.2018 registered under Sections 384, 386 of Indian Penal Code, 1860 at Police Station Nangal Chaudhary, District Mahendergarh (Annexure P-1) is quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

August 03, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes