

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-38783-2021

Date of Decision : 03.12.2021

Harsh Kapil and another

...Petitioners

Versus

State of Haryana and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Aditya Yadav, Advocate for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Shakti Singh, Advocate for

Mr. Sat Narain Yadav, Advocate for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.222 dated 05.06.2021 registered under Sections 279, 338 & 506 of the IPC at Police Station Palam Vihar, District Gurugram on the basis of the compromise, which has been entered into between the parties.

On 28.09.2021, this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No. 222 dated 05.06.2021, registered under Sections 279, 338, 506 IPC at Police Station Palam Vihar, District Gurugram, on the basis of compromise entered into between the parties.

Learned counsel for the petitioners argues that in order to live peacefully, parties have entered into compromise on 13.09.2021, according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of respondent No. 1. Learned State counsel pleads ignorance about the compromise.

Mr. Sat Narain Yadav, Advocate, who is also present in Court, accepts notice on behalf of respondent No.2. He admits the factum of the compromise entered into between the parties and raises no objection, in case the FIR in question is quashed on the basis of the said compromise.

Adjourned to 03.12.2021.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement on 02.11.2021 by moving appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information: -

1. Number of persons arrayed as accused in the FIR;
2. Whether any accused is a 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 FIR or not; and
5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainants as well as accused are party to the compromise in question.

The question of imposition of cost for wasting the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the present petition in case, the FIR is to be quashed.”

A report dated 03.11.2021 has come from Judicial Magistrate First Class, Gurugram, addressed to the Registrar General of this Court along with the statements of the accused-petitioners as well as the complainant, which have been recorded. Relevant portion of the report is as under:-

“Requisite report on specific points as directed

vide order dated 28.09.2021 is as follows:

- (i) There is only one accused in the present case namely Harsh Kapil.
- (ii) Accused Harsh Kapil has stated that he has never been declared proclaimed offender in any case. His version has been verified by IO concerned. Separate statement of the IO in this regard recorded.
- (iii) In the view of the statement of complainant qua compromise, I am of the considered view that the compromise effected between the parties appears to be without any threat or pressure from either side and is made out of free volition of the parties.
- (iv) Accused Harsh Kapil has stated that he is not involved in any other FIR. His version has been verified by IO concerned. Separate statement of the IO in this regard recorded.
- (v) The statement of investigating Officer is recorded. As per his version there is one victim/complainant namely Sanju and she is a party to the present compromise.”

Learned counsel for the petitioners submit 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, Gurugram 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-petitioners, this Court is inclined to accept the prayer of

the petitioners for quashing the FIR on the basis of the compromise.

Thus, FIR No.222 dated 05.06.2021 registered under Sections 279, 338 & 506 of the IPC at Police Station Palam Vihar, District Gurugram and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

The above order, quashing of the FIR, will be subject to the payment of Rs.15,000/- as cost, to be deposited with Haryana State Legal Services Authority by the petitioners.

December 03, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No