

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(229)

CRM-M-38793-2021

Date of Decision : November 29, 2021

Raj Kumar

..Petitioner

Versus

State of Haryana and another

..Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mukesh Yadav, Advocate, for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Yesh Dev Kaushik, Advocate,
for respondent No.2-complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioner is for quashing of FIR No.206 dated 09.06.2021 registered under Sections 279, 337, 338 and 427 of the IPC at Police Station Kanina, District Mahendergarh and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

This Court while issuing notice of motion on 20.09.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No.206 dated 09.06.2021 (Annexure P-1) registered under Sections 279, 337, 338 and 427 IPC, at Police Station Kanina,

District Mahendergarh, on the basis of compromise entered into between the parties.

Learned counsel for the petitioner argues that in order to live peacefully, parties have entered into compromise dated 14.09.2021 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No.1-State.

Mr. Yesh Dev Kaushik, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2.

Learned counsel for respondent No.2 does not dispute the above-said compromise which has been arrived at between the parties, according to which complainant does not wish to press the allegations alleged in the FIR any further.

Adjourned to 29.11.2021.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise (P-2) on 13.10.2021 by moving an 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 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 has come from Sub Divisional Judicial Magistrate, Kanina, addressed to the Registrar General of this Court dated 17.11.2021 along with the statements of the accused-petitioner 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 relevant part of the said report is as under:-

“After careful perusal of the statements given on solemn affirmation by the complainant as well as accused and after careful analysis of the same, this Court is convinced that the compromise among parties is genuine and no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure, coercion or undue influence. Therefore, this Court is of the thoughtful opinion that compromise among parties was affected without any coercion or undue influence and same is authentic and genuine.

The necessary details as sought are as under:-

Number of persons arrayed as accused in the FIR; :1

Whether any accused is a proclaimed offender; : No

Whether the compromise is genuine, voluntary and

without any coercion or undue influence; : Yes

Whether the accused persons are involved in any other FIR or not; : No

How many victims/complainants are there in the FIR : 1

All the victims/complainants are party to the compromise in question : Yes.

Further there is no other accused as per FIR except the petitioner and so far as complainant or affected/aggrieved party other than the respondent is concerned, there is no other complainant or affected/aggrieved party.”

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-complainant admits the compromise as well as the statement made before the Sub Divisional Judicial Magistrate, Kanina 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 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-petitioner, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, the FIR No.206 dated 09.06.2021 registered under

Sections 279, 337, 338 and 427 of the IPC at Police Station Kanina, District

Mahendergarh 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, quashing of the FIR, will be subject to the payment of Rs.15000/- as cost, 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, by the petitioner.

November 29, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No