

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(231)

CRM-M-40765-2021

Date of Decision : November 29, 2021

Jitender

..Petitioner

Versus

State of Haryana and another

..Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Makkar, Advocate, for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Vikas Sonak, 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. 87 dated 31.03.2018 registered under Sections 279, 336 and 427 of the IPC at Police Station Arya Nagar Rohtak, District Rohtak 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 29.09.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No. 87 dated 31.03.2018, registered under Sections 279, 336, 427 IPC at Police Station Arya Nagar Rohtak, District Rohtak, 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, a copy of which has been appended with this petition, 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 has joined the proceedings through video conference, accepts notice on behalf of respondent No. 1.

Mr. Vikas Sonak, Advocate, who has also joined the proceedings through video conference, 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 29.11.2021.

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 27.10.2021 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 are party to the compromise in question.*

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

A report has come from Chief Judicial Magistrate, Rohtak, addressed to the Registrar General of this Court dated 28.10.2021 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:-

“The information as sought by the Hon'ble High Court is detailed as under:

- i) Number of persons arrayed as accused in the FIR,*
- ii) Whether any accused in a proclaimed offender,*
- iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence,*
- iv) Whether the accused persons are involved in any other FIR or not, and*
- v) The trial Court is also directed to record the statement of the Investigating Officer as as to know how many victims/complainants are party to the compromise in question.*

As per the statement of Investigating Officer namely HC Pawan Kumar, 1729/RTK, P.S. Arya Nagar, Rohtak, Jitender son of Partap Singh is the only accused, accused Jitender is not Proclaimed Offender in the present FIR or in any other case, accused Jitender is not involved in any other FIR, the compromise between the parties is genuine, Pankaj is victim and except him, no one is victim/complainant, accused Jitender is the main accused and except him, no other person

is cited as accused.

Both the parties i.e. Complainant Pankaj and accused namely Jitender have appeared before the Court and they have made their respective statements in support of the compromise so effected between the parties. The compromise effected between the parties seems to be genuine, voluntarily and out of free will. The original statement of the parties and of the Investigating Officer are annexed herewith for your kind information and necessary action.

Submitted 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-complainant admits the compromise as well as the statement made before the Chief Judicial Magistrate, Rohtak 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. 87 dated 31.03.2018 registered under

Sections 279, 336 and 427 of the IPC at Police Station Arya Nagar Rohtak,

District Rohtak 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