

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

CRM-M No.38589 of 2020

Date of Decision : 24.03.2021

Ashwani Aggarwal

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Amit Sharma, Advocate
for the Petitioner.

Mr. Vishal Malik, Dy. Advocate General, Haryana
for Respondent No.1/State.

None for Respondents No.2 to 5.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioner, who is the accused in F.I.R No.0122, dated 21.03.2016, under Sections 120-B, 386, 507 of the Indian Penal Code, registered at Police Station DLF-II, District Gurugram (Annexure P-1), has prayed for quashing of F.I.R. with all subsequent proceedings pending therefrom, on the basis of compromise.

2. Now Respondents No.2 to 4 have arrived at a settlement with the accused vide Compromise Deed (Annexure P-3), which is duly signed by them. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Ld. Judicial Magistrate 1st Class, Gurugram, vide report dated 27.01.2021 has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

3. Respondents No.2 to 5 are not present nor they are represented by their Counsel. However, Respondents No.2 to 4 have made a statement on 13.01.2021, before the Ld. Judicial Magistrate 1st Class, Gurugram, whereby they have admitted the factum of compromise with the accused and deposed that the compromise has been effected between them voluntarily and without any undue influence, coercion or pressure. Although, statement of Respondent No.5 namely Kamal Gujjar, has not been recorded so far as his address is not available on record and nobody appeared on his behalf.

5. In view of the report of the Ld. Judicial Magistrate 1st Class, Gurugram, and in view of the decision of the Hon'ble Supreme Court in **“Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543** and **“Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466**, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since Respondents No.2 to 4 have themselves compromised the dispute with the Petitioner/accused.

5. In the circumstances, the present petition is allowed. F.I.R No.0122, dated 21.03.2016, under Sections 120-B, 386, 507 of the Indian Penal Code, registered at Police Station DLF-II, District Gurugram (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed *qua* the Petitioner.

24.03.2021
Jitesh (JTS)

(SUDIP AHLUWALIA)
JUDGE

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