

CRM-M-37971-2020

Date of Decision: 20.04.2021

Naresh Kumar @ Naresh Chaudhary

.....Petitioner

Vs.

State of Haryana and another

....Respondents

CRM-M-1936-2021

Naresh Chander

.....Petitioner

Vs.

State of Haryana and another

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: None the petitioner (in CRM-M-37971-2020).

Mr. S.K. Choudhary, Advocate,
for the petitioner (in CRM-M-1936-2021).

Mr. Munish Sharma, A.A.G., Haryana.

Mr. Suresh Kumar Arya, Advocate,
for respondent no. 2.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

On 27.01.2021, the following order had been passed in these cases:-

“Case heard via video conferencing.

Though vide CRM-M-37971-2020, FIR no. 0281 dated 03.11.2020, registered at Police Station City Ratia, District Fatehabad, alleging therein the commission of offences punishable under Sections 384/500 of the IPC, was sought to be quashed on the merits of the case, however, thereafter now, CRM-M-1936-2021 has been filed by the same petitioner, seeking quashing of the said FIR on the basis of a compromise stated to have been arrived at between him and the complainant in the FIR, i.e. respondent no. 2 in each petition. A copy of the compromise deed has been annexed as Annexure P-2 with CRM-M-1936 of 2021.

Mr. Shubham Malik, Advocate, appearing for Mr. Jasmininder Singh Thind, Advocate, in the first petition, however, submits that he has no instructions in that regard.

Be that as it may, even before notice of motion has been issued in CRM-M-1936-2021, Mr. Suresh Kumar Arya, Advocate, has appeared for respondent no. 2 and does not deny the factum of the compromise.

That being so, notice in the said petition qua respondent no. 2 being waived by the presence of the counsel representing him, (who would naturally file a power of attorney executed in his favour in the Registry within one week), notice of motion is therefore issued to respondent no. 1-State of Haryana, with Mr. Surender Singh, A.A.G., Haryana, accepting notice on the asking of the court.

A copy of the petition be emailed to learned State counsel by learned counsel for the petitioner today itself.

Adjourned to 20.04.2021.

In the meanwhile, the petitioner, as also respondent no. 2 would appear before the learned trial court/Ilaqa Magistrate upto 02.03.2021 to record their statements. The trial court/Ilaqa Magistrate would satisfy itself/ herself/himself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its/her/his report to this court, before the next date of hearing.

That court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this court comes to the conclusion that the FIR sought to be quashed can be so quashed.

Learned State counsel would also verify whether there are any criminal cases, of like nature or otherwise, pending against the petitioner.

A gazetted officer is also directed to file a reply to the petition.

Though CRM-M-37971-2020 has actually been rendered infructuous in view of the 2nd petition filed, however, since learned counsel appearing for the petitioner in that case still seeks an adjournment on the ground that the arguing counsel is not available, it would be taken up on that date itself.

A photocopy of this order be placed on the file of the other connected case.”

CRM-M-1936-2021

This is a petition by which the petitioner seeks quashing of the FIR on the basis of a compromise reached between him and respondent no.2, i.e. the complainant in the FIR.

Pursuant to the said order, the report of the learned SDJM, Ratia, dated 10.03.201, is on record, stating to the effect that respondent no.2, i.e. Raj Kumar Garg, appeared before that court and stated on oath that the matter has been amicably settled between him and the accused persons and nothing is due

against the accused, with there being no ill-will between them and that he does not wish to pursue the present FIR and has no objection to it being quashed.

To similar effect, as regards the compromise reached, the statement of the petitioner, i.e. the accused, was also recorded before that court.

As per the assessment of that court the compromise reached between the parties appeared to be authentic and genuine, without undue influence or pressure.

It has also been stated that no other person was involved in the occurrence who is not a party to the present petition.

Last, it has been stated that there is no other criminal case, of like nature or otherwise, pending against the petitioner.

That being so, looking at the nature of the offences alleged to have been committed by the petitioner, with learned counsel for respondent no.2 also appearing and reiterating the factum of the compromise between the parties, the present petition is allowed and FIR No.281, dated 03.11.2020, registered at Police Station City Ratia, District Fatehabad, alleging therein the commission of offences punishable under Sections 384 and 500 of the IPC, along with all proceedings emanating therefrom, is hereby quashed.

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By this petition, quashing of the same FIR had been sought, on the merits thereof, which now stands rendered infructuous in view of the order passed hereinabove in CRM-M-1936-2021.

Consequently, this petition is disposed of as such.

The reply filed on behalf of respondent State is ordered to be taken on record (for the record.).

A photocopy of this order be placed on the file of the connected case.

April 20, 2021
dharamvir/

(AMOL RATTAN SINGH)
JUDGE

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