

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-43630-2021
Date of Decision : 30.11.2021

Sumesh Chandila

...Petitioner

Versus

State of Haryana and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Ms. Vandana Sharma, 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.326 dated 27.09.2020 registered under Sections 406, 420, 467, 468, 471, 506 and 34 of the IPC at Police Station Kheri Pul, Faridabad on the basis of the compromise, which has been entered into between the parties.

On 14.10.2021, a Coordinate Bench of this Court had passed the following order:-

“Due to COVID-19 situation, the Court is convened through video conference.

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 326 dated 27th September, 2020 under Sections 406, 420, 467, 468, 471 and 506 read

with Section 34 IPC, registered at Police Station Kheri Pul, Faridabad and all other subsequent proceedings arising therefrom on the basis of compromise dated 30th September, 2021.

Notice of motion.

Ms. Dimple Jain, AAG, Haryana and Ms. Vandana Sharma, Advocate appearing on advance notice accept the same on behalf of respondents No. 1 and 2 respectively.

The parties are directed to appear before the Illaqa Magistrate/trial court for recording their statements with regard to the compromise on 2nd November, 2021.

The trial court is directed to submit a report on or before the next date of hearing containing the following information:

- (i) Number of persons arrayed as accused in the FIR;
- (ii) Whether any accused is declared as proclaimed offender;
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

List on 30th November, 2021.”

A report dated 08.11.2021 has come from Civil Judge (Jr.

Division)-cum-Judicial Magistrate, Faridabad, addressed to the Registrar General of this Court along with the statements of the accused-petitioner as well as the complainant, which have been recorded. The relevant portion of the report is as under:-

“As per statement of Investigating Officer ASI Pardeep Kumar, two accused namely Sumesh Chandila and Jagdish arrayed as accused in the present FIR. On dated 11.1.2021, one accused namely Jagdish had died. Thereafter, proceedings were initiated against only one accused namely Sumesh Chandila and as per his records, no proclaimed offender in the present case.

This Court is of the considered view that the compromise appears to be genuine and has been reached voluntarily, without any pressure or undue influence between the complainant namely Neelam and the accused person namely Sumesh Chandila and they have made their statements voluntarily and without any threat inducement, coercion or undue influence. Hence, the compromise is genuine and voluntary.”

Learned counsel for the petitioner 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-complainant admits the compromise as well as the statements made before the Civil Judge (Jr. Division)-cum-Judicial Magistrate, Faridabad 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-petitioner, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, FIR No.326 dated 27.09.2020 registered under Sections 406, 420, 467, 468, 471, 506 and 34 of the IPC at Police Station Kheri Pul, Faridabad 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.15,000/- 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 Account No.014894600000970, Yes Bank Branch, 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 30, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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