

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 237

CRM-M-39141-2020

Date of decision : 21.01.2021

Dharmender Kumar and others

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Shalender Mohan, Advocate, for the petitioners.
Mr. Ashok Kumar Sehrawat, DAG, Haryana.
Mr. Vivek Thakral, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.210 dated 29.09.2020 registered under Sections 406/420 IPC at Police Station Safidon City, district Jind on the basis of a compromise dated 21.11.2020 (Annexure P-2) entered into between the parties.

On 26.11.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 04.12.2020 for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report along with the recorded statements with regard to the veracity of the compromise between the parties as also to apprise this Court whether all the accused are party to the compromise; whether any of them have ever been declared proclaimed offender(s) and if there is any other criminal case pending against them.

As directed, report dated 15.12.2020 from the Sub Divisional Judicial Magistrate, Safidon has been received, as per which the parties had recorded their statements before the Trial Court in terms of the compromise arrived at between them; the petitioners have never been declared as

proclaimed offenders; no other criminal case is pending against them and that the compromise is without any coercion, undue influence or pressure.

Learned State counsel has also raised no objection if the present petition is allowed.

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR in which there is a commercial tinge; the investigation is at the initial stage and also the matter having been compromised, would be an abuse of the process of law and in terms of the law laid down by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and others*, 2007 (3) RCR (Criminal) 1052, this Court deems it just and proper to allow the petition and resultantly quash FIR No.210 dated 29.09.2020 registered under Sections 406/420 IPC at Police Station Safidon City, district Jind and all proceedings arising therefrom qua the petitioners.

21.01.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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