

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CRM-M-45776-2021

Date of Decision : December 21, 2021

Mayank Aggarwal and another

.. Petitioners

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deepkaran Dalal, Advocate, for the petitioners.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Harmanjit Singh Jugait, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioners is for quashing of FIR No.32 dated 18.01.2020 registered under Section 420, 467, 468, 471 and 120-B of the IPC, 1860 and Sections 66-C and 66-D of Information and Technology Act, 2000 at Police Station City Palwal 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 01.11.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No. 32, dated 18.01.2020, registered under Sections 420, 467, 468, 471, 120-B IPC and Sections 66-C, 66-D of Information and

Technology Act, 2000, at Police Station City Palwal, on the basis of compromise entered into between the parties.

Learned counsel for the petitioners argues that in order to live peacefully, parties have entered into compromise on 14.10.2021 (Annexure P-3), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, accepts notice on behalf of respondent No. 1.

Mr. Jugait, 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 21.12.2021.

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 24.11.2021 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 as well as accused 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 Additional Chief Judicial Magistrate, Palwal addressed to the Registrar General of this Court dated 26.11.2021 along with the statements of the accused-petitioners 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:-

“ That on 24.11.2021, parties appeared in the Court along with copy of order dated 01.11.2021 passed by Hon'ble High Court and filed an application for recording statements of the parties. Thereafter, separate statement of petitioners (before Hon'ble High Court) namely Mayank Aggarwal and Ashish Tayal and statement of respondent No.2 (before Hon'ble High Court) namely Anuj Bansal recorded separately. Respondent No.2 has submitted in his statement that compromise has been taken place between both the parties and he has no objection if FIR is quashed. The petitioners (before Hon'ble High Court) namely, Mayank Aggarwal and Asish Tayal have submitted that they have no objection if FIR is quashed and compromise is accepted. The petitioners and respondent have been identified by their respective counsels. Statement of Inspector Satya Narain, P.S. City, Palwal (I.O)

recorded separately.

As per statement of Investigating Officer, there are two persons arrayed as accused in the FIR, none of accused is declared proclaimed offender, accused namely Ashish Tayal was found innocent during investigation but he is involved in another case FIR No.68/2021, P.S. Camp, Palwal and there is one victim/complainant namely Anuj Bansal in the present FIR. From the statement of parties, compromise on the face of it appears to be genuine, voluntary and without any coercion or undue influence.”

Learned counsel for the petitioners 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 the respondent-complainant admits the compromise as well as the statement made before the Additional Chief Judicial Magistrate, Palwal 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-petitioners, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, the FIR No.32 dated 18.01.2020 registered under Section 420, 467, 468, 471 and 120-B of the IPC, 1860 and Sections 66-C and 66-D

of Information and Technology Act, 2000 at Police Station City Palwal 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 petitioners.

December 21, 2021*harsha***(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned? : Yes/No

Whether reportable : Yes/No