

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.41634 of 2020
Date of Decision :05.03.2021

Rakesh Soni

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. V.K.Sandhir, Advocate for the petitioner.
Mr. R.S.Jhand, Addl.A.G. Haryana.
Mr. Nakul Sharma, Advocate for the complainant.
(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court)

ARUN PALLI, J. (Oral):

Vide this petition under Section 482 of Cr.P.C, the petitioner prays for quashing of FIR No.179 dated 19.11.2020 (Annexure P-1), under Section 381 of IPC, registered at Police Station DLF-II, District Gurugram, and all consequential proceedings arising therefrom, for, the dispute between the parties stand resolved and a formal compromise dated 01.12.2020 (Annexure P-2), in this regard has since been effected.

Vide order dated 11.12.2020, a Co-ordinate Bench of this Court had required the parties to appear before the CJM/Illaqua Magistrate on 11.01.2021, for getting their statements recorded to ascertain the execution as also the veracity of the alleged settlement. And, whereupon a report was to be submitted by the trial Court.

Accordingly, a report dated 11.01.2021, has been furnished by the Additional Chief Judicial Magistrate, Gurugram, which reads thus:-

“ADDITIONAL INFORMATION REQUIRED:-

- i) **Whether the settlement/compromise dated 01.12.2020 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind:-**

In this regard, it is humbly submitted that, I have inquired personally from the parties regarding the voluntariness of compromise dated 01.12.2020 and I am satisfied that the dispute between the parties has been resolved amicably and the settlement has been arrived between them out of their own sweet will without any undue influence, coercion or pressure of any kind.

- ii) **Whether any other criminal cases are pending against the parties:-**

As emerged out from the statements of Investigating Officer, complainant Sheetal Agarwal and accused Rakesh Soni, no criminal case is pending.

- iii) **Whether any proclamation proceedings are pending against either of the parties:-**

In this regard, it is humbly submitted that no any criminal proceeding under Section 82/83 Cr.P.C. is pending against accused Rakesh Soni. Statement of SI Suresh Kumar, No.1650, P.S. DLF Ph-II, Gurugram, in this regard has been recorded”.

On being pointedly asked, even the learned State counsel submits that, in the given circumstances, the State shall be no objection if the FIR is quashed.

Accordingly, in the wake of the law laid down by the Supreme Court in **Gian Singh Vs. State of Punjab and Another 2012 (10) SCC 303** as also the judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) RCR (criminal) 1052**, wherein it was concluded that even in matters concerning non-compoundable offences, if the parties have reached a compromise, this Court has wide powers under Section 482 of Cr.P.C. to quash the proceedings to secure the ends of justice.

Accordingly, the petition is allowed. FIR No.179 dated 19.11.2020 (Annexure P-1), under Section 381 of IPC, registered at Police Station DLF-II, District Gurugram, and all consequential proceedings arising therefrom, are quashed.

(ARUN PALLI)
JUDGE

05.03.2021
Manoj Bhutani

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