

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 38006 of 2019 (O&M)
Date of Decision: 06.12.2021

Rahul Sharma and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Sandeep Bhardwaj, Advocate
for the petitioners.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

None for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

(Through video conferencing)

CRM-40865-2021

1. The application for pre-ponement of the date fixed, is allowed.
2. The main case is preponed from 16.12.2021, and, is taken up on board for hearing today itself.

CRM-M-38006-2019

1. Through the instant petition, under Section 482 Cr.P.C., the petitioners seek quashing of FIR No. 521 dated 19.10.2018 registered at Police Station Baldev Nagar, Ambala, constituting therein offences, under Sections 120-B, 408, 420 IPC, and, under Section 66 of the IT Act, 2008, and, also of all the consequent proceedings arising therefrom, hence on the basis of compromise dated 28.8.2019 (Annexure P-2), arrived at between

the parties.

2. The learned State counsel submits, that the report under Section 173 Cr.P.C., has been submitted before the learned Magistrate concerned but the charges have yet not been framed, and also, that the offences do not appertain to embezzlement of funds from the government treasury.

3. When the instant petition came up before this Court on 09.9.2019, an order was made upon the learned trial Court concerned, to make a report to this Court, with respect to the genuineness of the compromise, as also whether all the accused/petitioners are appearing before the Court, and, as also whether the petitioners are facing trial/investigation/enquiry in any other criminal case/proceedings.

4. The afore made order by this Court on 09.9.2021, has been complied with by the learned Magistrate concerned, and, the elicited report has been placed on record. A perusal of the report, transmitted to this Court, by the learned Magistrate concerned, reveals that the settlement/compromise, arrived at *inter se* the petitioners, and, the respondent No. 2, is a sequel of both, being *ad idem* qua it, besides the compromise/settlement being a sequel of no pressure or coercion, being exercised upon each other. Therefore, the learned Magistrate has reported that the settlement/compromise, depended upon by the petitioners, for seeking quashing of the FIR (supra), is both voluntary, and, genuine.

5. Since, the offences carried in the FIR (supra), are compoundable, and, also when a valid compromise has been entered into, *inter se*, the accused petitioners, and, the respondent(s)-complainant, besides when the learned State Counsel has stated that the challan has been filed but the charges are yet to be framed, and, also the offences do not

appertain to embezzlement of funds from the government treasury.

Therefore, this Court deems it fit to allow the petition.

6. Consequently, the present petition is allowed, and, the FIR (supra), and, also all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SURESHWAR THAKUR)
JUDGE

December 06, 2021
Gurpreet

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