

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112) CRM-39253-2021 &
CRM-44127-2021 in/and
CRM-M-38108-2019
Date of Decision : December 21, 2021

Prasham Kataria and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Yashasvi Kapila, Advocate, for
Mr. Adhiraj Bhandari, Advocate, for the petitioners.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Ankush Chaudhary, Advocate, for respondents No.2&3.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-39253-2021

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-38108-2019, which now stands adjourned to 30.03.2022.

Notice of the application to the counsel opposite.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of respondent-State and Mr. Ankush Chaudhary, Advocate, who is also present

in the Court, accepts notice on behalf of respondents No. 2 and 3 and they

have no objection for the grant of the prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and hearing of the main petition i.e CRM-M-38108-2019 is preponed from 30.03.2022 to today.

CRM-44127-2021

Present application has been filed for placing on record the affidavit of Devansh Sharma respondent No.3 acknowledging the fact of compromise, a copy of which is appended as Annexure P-6.

Keeping in view the averments made in the application, the same is allowed and Annexure P-6 is permitted to be taken on record.

CRM-M-38108-2019

In the present petition, the prayer of the petitioners is for quashing of FIR No.464 dated 02.10.2018 (Annexure P-1) registered under Sections 147, 149, 323 and 506 IPC (Section 325 IPC added subsequently) at Police Station Sector 14, District Gurgaon and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

The Coordinate Bench of this Court while issuing notice of motion on 09.09.2019 had passed the following order:-

“Learned counsel for the petitioners refers to Annexure P-3 and P-4 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.464 dated 02.10.2018 (Annexure P-1) under Sections 147, 149, 323 and 506 IPC (Section 325 IPC added subsequently) registered

at Police Station Sector 14, District Gurgaon on the basis of compromise dated 20.08.2019 (Annexure P-3 and P-4 respectively).

Notice of motion.

At the asking of the Court, Mr. Sukhdeep Parmar, DAG, Haryana accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

Mr. Kartik Doot, Advocate causes representation on behalf of respondent No.2 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 01.10.2019 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is 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 case or not.*
- 5. The trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.

Adjourned to 03.12.2019.

To be heard along with CRM-M-37734-2019.”

A report has come from Judicial Magistrate Ist Class,

Gurugram addressed to the Registrar General of this Court dated 16.12.2019

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:-

“It is further submitted that as per the statement of the parties, the compromise is genuine, voluntary and without any coercion or undue influence. It is also submitted that Siddarath Chahar, Udit Kataria, Rohit, Pawan Nehra and Prasham Kataria have been arrayed as accused in FIR. It is further submitted that as per the statement dated 13.12.2019 of the Investigating Officer, none of the accused is proclaimed offender and they are not involved in any other case.

It is further submitted that as per statement dated 02.12.2019, (recorded at 5:00 pm) of the Investigating Officer, there are two victims/complainants in the FIR.

The statement of both the parties and of Investigating Officer (regarding number of victims and as to whether any of accused persons is declared proclaimed offender and are involved in any other case) are being sent to the Hon'ble Punjab and Haryana High Court for further proceedings.”

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 respondents No.2 and 3 admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Gurugram and the affidavit of respondent No.3, Annexure P-6 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.464 dated 02.10.2018 (Annexure P-1) registered under Sections 147, 149, 323 and 506 IPC (Section 325 IPC added subsequently) at Police Station Sector 14, District Gurgaon 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

Whether reportable : Yes