

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(231)

CRM-M-49495-2019

Date of decision: - 15.09.2021

Mukta Sharma

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashish Naik, Advocate,
for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Vikas Kumar, Advocate
for respondent No.2.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.137 dated 23.08.2019, registered under Sections 279 and 337 IPC, at Police Station Sector 20, Panchkula, on the basis of the compromise, which has been entered into between the parties.

While issuing notice of motion on 21.11.2019, a Coordinate Bench of this Court had passed the following order :-

“Prayer in this petition is for quashing of FIR No.137 dated 23.08.2019 under Sections 279 & 337 IPC, registered at Police Station Sector-20, Panchkula and all the subsequent proceedings arising therefrom, on the basis of compromise.

Notice of motion for 25.03.2020.

On asking of the Court, Mr. Deepak Grewal, DAG, Haryana accepts notice on behalf of respondent No.1 while Mr. Vikas Kumar, Advocate has appeared on behalf of respondent No.2.

Learned counsel for the petitioner is directed to supply a copy of paper book to counsel opposite during course of the day.

In the meantime, parties are directed to appear before the trial Court/Illaqa Magistrate for recording their statements with regard to compromise/settlement within a period of 30 days from today.

The trial Court/Illaqa 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, and
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.
5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”

A report has come from the Judicial Magistrate 1st Class, Panchkula, addressed to the Registrar General of this Court dated 27.11.2019, wherein, the following has been mentioned: -

- “1. In the present case, there is only one accused namely Mukta Sharma wife of Sh. Bharat Bhushan Sharma.
2. Accused Mukta Sharma as per the report of Investigating Officer is not a proclaimed person in this case or in any other case.
3. The compromise has been executed between the parties out of their free will and consent and the said compromise happens to be a genuine, voluntary and without any coercion or undue influence.

4. As per the report of the Investigating Officer, accused Mukta Sharma is not involved in any other case.
5. As per the statement of Investigating Officer, complainant Sushant Panwar himself happens to be the only victim of offence.”

Learned counsel for the petitioner submit 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 respondent No.2-complainant admits the compromise as well as the statements made before the Judicial Magistrate 1st Class, Panchkula 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 hereinbefore 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-petitioner, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, FIR No.137 dated 23.08.2019, registered under Sections 279 and 337 IPC, at Police Station Sector 20, Panchkula 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.15,000/- as costs, to be deposited with Prabh Asra, Bank Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh by the petitioner.

September 15, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No