

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM No.24252 of 2021 in/and
CRM-M-51101 of 2019
Date of Decision: 13.08.2021**

Sunil Kumar and others

... Petitioners

Versus

State of Haryana and another

... Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. K.D.S. Hooda, Advocate,
for the applicant-petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

CRM No.24252 of 2021

The present application has been filed for preponing the hearing of the main CRM No.M-51101 of 2019 which now stands adjourned to 22.11.2021.

Notice of the application.

Mr. Gaurav Bansal, AAG, Haryana for respondent No.1-State accepts notice. He has no objection to the grant of the prayer.

The application is allowed and hearing of the main petition is preponed to today and is taken up for hearing.

CRM-M-51101 of 2019

In the present petition, the prayer of the petitioners is for quashing of FIR No.72 dated 21.01.2019 registered under Sections 120-B/420/467/468/471 of IPC at Police Station Shivaji Nagar, District Gurugram and all consequential proceedings arising thereto, on the basis of compromise entered into between the parties.

On 02.12.2019, the Coordinate Bench of this Court while issuing

notice of motion had passed the following order:-

“Learned counsel for the petitioners while referring to Annexure P-2 has contended that a compromise has been effected between the parties and prayed for quashing of FIR No.72 dated 21.01.2019 registered under Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code, 1860 at Police Station Shivaji Nagar, District Gurugram and all subsequent proceedings arising therefrom.

Notice of motion for 08.01.2020.

On the asking of the Court, Mr. Ramesh Kumar Ambavta, AAG, Haryana accepts notice on behalf of respondent No.1-State.

At this stage, Ms. Geeta Rani, Advocate has appeared and filed his power of attorney on behalf of respondent No.2 and has admitted the factum of compromise.

Copies of the paper book have been supplied to the learned Counsel for the respondents.

Accordingly, the private parties are directed to appear before the trial Court/Illaqa Magistrate on 10.12.2019 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaqa Magistrate is directed to submit a report 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. Current stage of the case.*

The trial Court is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

Trial Court/Illaq Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.”

A report has come from Judicial Magistrate First Class, Gurugram addressed to the Registrar General of this Court dated 21.12.2019 wherein, the statements of the accused-petitioners as well as the complainant have been recorded. As per the said report, the matter has been settled between the parties amicably/voluntarily without any pressure or coercion and none of the accused has been declared proclaimed offender and no other criminal proceedings are pending against them.

Learned counsel for the petitioners 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 State counsel has also not pointed out any objection 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 exists no other 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.72 dated 21.01.2019 registered under Sections 120-B/420/467/468/471 of IPC at Police Station Shivaji Nagar, District Gurugram and all consequential proceedings arising thereto are quashed qua the petitioners 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.11,000/- as costs, to be deposited with Prabh Asra, Bank Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh by the petitioners.

13.08.2021
manju

(HARSIMRAN SINGH SETHI)
JUDGE

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