

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

267

CRM-M-3921 of 2021
Date of decision:09.08.2022

Raj Kumar

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Manoj Pundir, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Jogendra Singh, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C., seeking quashing of FIR No.772 dated 28.11.2020 registered under Sections 341, 354-D, 506, 509 of Indian Penal Code, 1860 at Police Station City Yamuna Nagar, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 23.01.2021 (Annexure P-3).

Counsel for the petitioner submits that the petitioner and complainant-respondent No.2 are closely related to each other and there is a property dispute between them, which has now been settled by virtue of compromise (Annexure P-3). Counsel submits that both the sides

simultaneously registered criminal cases against each other. FIR No.773 dated 28.11.2020 registered by the petitioner for offences under Sections 323, 506, 34 IPC, however, Section 308 IPC was added later on, has been quashed by this Court in CRM-M-3936 of 2021 titled as 'Gurpreet Kour and another Vs. State of Haryana and another', decided on 21.04.2022, on the basis of same compromise (Annexure P-3). He submits that parties have appeared before the Trial Court pursuant to order dated 28.01.2021 passed by this Court.

Upon instructions from HC Shimla Rani, State counsel submits that although there is no allegation against the petitioner for offence under Section 354-D IPC, but this offence has been added on the basis of statement of the complainant recorded under Section 164 Cr.P.C.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 28.01.2021, this Court directed the parties to appear before the Trial Court/Illaq Magistrate for recording of their statements in support of the compromise and a report was called for on the following points:-

1. Number of persons arrayed as accused in the FIR.
2. Whether any accused is proclaimed offender.
3. Stage of the trial/proceedings.
4. Whether the compromise is genuine, voluntary and without

any coercion or undue influence.

5. Total number of victims and their names.

Report has been received from the Trial Court and its relevant extract is as under:-

“After going through the statements of the parties, I am of the view that the parties have actually entered into a compromise by their free-will and the said compromise is genuine. In FIR only one person has been arrayed as an accused. None of the accused has been declared proclaimed person. The case has been fixed for checking the copy of challan. In the FIR only the name of victim/complainant i.e. Gurpreet Kour wife of Happy Singh has been mentioned.”

It is evident from the above that FIR (Annexure P-1) is an outcome of dispute, which is private in nature and has been settled by compromise. Parties are closely related to each other and the FIR in cross-case registered by the petitioner has already been quashed on the basis of same compromise. This Court, is therefore, of the view that setting aside the criminal proceedings will go long way in restoring harmony between the parties.

In view of the above, report of the Trial Court and judgmentd of the Supreme Court in **Narinder Singh and others Vs. State of Punjab and another (2014) 2 RCR (Criminal) 482** and **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat**

and another (2017) 9 SCC 641, this Court has no hesitation in quashing the impugned FIR.

Accordingly, the petition is allowed. FIR No.772 dated 28.11.2020 registered under Sections 341, 354-D, 506, 509 of Indian Penal Code, 1860 at Police Station City Yamuna Nagar, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

August 09, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes