

**116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-6747-2022

Date of Decision: February 17, 2022

Baldev Singh and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Gursharan S. Sidhu, Advocate for the petitioners.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioners seek quashing, on the basis of a compromise (Annexure P-3), arrived at between them and respondent no.2, of FIR No.677, dated 13.10.2019, registered at Police Station Sirsa City, District Sirsa, alleging therein the commission of the offences punishable under the provisions of Sections 406 and 506 of the IPC, as also all other subsequent proceedings arising therefrom.

Learned counsel for the petitioners submits that in fact as regards the compromise reached between the parties, the report of the learned Chief Judicial Magistrate, Sirsa, has already been received by this court pursuant to CRM-M-8779-2020 having been filed by the petitioners, seeking that they be admitted to pre-arrest bail, on the basis of the compromise reached between the parties.

The petitioners having been admitted to interim bail on that ground by this court, thereafter on 16.11.2021, the following order was passed in that petition:-

“By this petition, the petitioners seek the concession of 'pre-arrest bail', upon FIR No. 677 having been registered at Police Station City, District Sirsa, on 13.10.2019, alleging therein the commission of offences punishable under the provisions of Sections 406/506 of the IPC.

Counsel for the petitioners has not appeared, though there is a report of the learned Chief Judicial Magistrate, Sirsa, dated 29.09.2021, on record, which states that the petitioners, Baldev Singh and Harrupinder Jeet Singh @ Gaurav, got recorded their statements before that court on 28.09.2021 to the effect that they have arrived at a compromise with the respondent/complainant, Anil Goyal, with Anil Goyal also having appeared before that court and having recorded a similar statement, further stating that all dues have been paid to him and he has no objection if the FIR in question is quashed.

As per the assessment of that court, the compromise arrived at between the parties is of their own free will.

It is to be noticed that this petition is not one seeking quashing of the FIR in question but one that seeks that the petitioners be admitted to anticipatory bail.

They already having been ordered to be admitted to anticipatory bail upon joining investigation, vide an order passed by this court on 28.02.2020, in view of the aforesaid report, though even counsel for the petitioners is not present, but with learned counsel appearing for respondent no. 2 admitting to the factum of compromise, the petition is allowed with the order dated 28.02.2020 made absolute, on the same terms and conditions.”

Notice of motion.

Mr. Neeraj Poswal, AAG, Haryana, accepts notice at the asking of the court on behalf of respondent no.1, with Mr. Ajay Kamboj, appearing for respondent no.2 and accepting notice. He has filed a power of attorney in the court said to be executed by respondent no.2.

He submits that the compromise reached between the parties duly subsists, with learned State counsel, on instructions from S.I. Bhoop Singh, also reiterating the same fact.

That being so, there would be no need to get the statements of the parties recorded again and hence keeping in view the nature of the offences alleged to have been committed by the petitioners, and the fact that the matter has been compromised between the petitioners and the complainant, the present petition is allowed and FIR No.677, dated 13.10.2019, registered at Police Station Sirsa City, District Sirsa, alleging therein the commission of the offences punishable under Sections 406 and 506 of the IPC, along with all proceedings emanating therefrom, is hereby quashed.

February 17, 2022
sarita

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No