

CRM-M-5769 of 2022

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-5769 of 2022

Date of decision:17.05.2022

Sanjeev Kumar Kalsi @ Sanjeet Kalsi

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Manoj K. Sharma, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Ritesh Kumar Sharma, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 10.02.2022, this Court passed the following order:-

“Heard through video conferencing.

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.0043 dated 19.02.2020 registered under Sections 354-D, 506 of Indian Penal Code, 1860 at Police Station PGIMS Rohtak, District Rohtak (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of compromise dated 05.02.2022 (Annexure P-2).

Counsel urges that the complainant and the petitioner were on friendly terms, but due to some misunderstanding when the relationship turned sour, an FIR (Annexure P-1) was lodged. He submits that the misunderstanding has now been

resolved and compromise (Annexure P-2) has been effected between them.

Notice of motion.

On asking of the Court, Ms.Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of respondent No.1-State. On basis of instructions received by her from L/ASI Sunita, she submits that final report has been presented after completion of investigation, but charge is yet to be framed.

Mr. Ritesh Kumar Sharma, Advocate appears on behalf of the complainant-respondent No.2. He has admitted the factum of compromise as well as submission made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the Trial Court/Illaq Magistrate on 25.04.2022 or on any date thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Trial Court/Illaq Magistrate shall submit a report specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and*

injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;

3. the stage of trial/proceedings;

4. if the compromise is genuine, voluntary and out of free will of the parties.

5. whether any other criminal case is pending against the accused.

Report of Trial Court/Illaq Magistrate be awaited for

17.05.2022. “

Report has been received from the Trial Court pursuant to above reproduced order and its relevant extract is as under:-

“1. Number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O in the case?

There is only one accused named Sanjeev arraigned in the present FIR. He has appeared before the Court and has made statement. None of the accused is absconding/P.O in the case.

2. The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise?

The name of the complainant is Manjeet Kaur and name of aggrieved person is Neetu Dagar. Both of them have appeared and made their statements in support of the compromise.

3. The stage of trial/proceedings.

The case is at the stage of consideration on charge.

4. If the compromise is genuine, voluntary and out of free will of the parties?

Yes, the compromise arrived at between the parties is genuine, voluntarily and out of free will of the parties.

5. Whether any other criminal case is pending against the accused?

No.”

FIR (Annexure P-1) is an outcome of dispute which is purely private in nature which has been amicably settled. In view of the above, report of the Trial Court and judgment of the Supreme Court in **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641**, this Court has no reservation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.0043 dated 19.02.2020 registered under Sections 354-D, 506 of Indian Penal Code, 1860 at Police Station PGIMS Rohtak, District Rohtak (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

May 17, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes