

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

222

(Through Video Conferencing)

CRM-M-10687-2020

Date of decision: 18.02.2022

Vivek Dagar and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Saransh Sabharwal, Advocate
for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana
for respondent No.1-State.

Ms. Divya Arora, Advocate for
Mr. Rahul Deswal, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.64 dated 13.06.2009 under Sections 406, 498-A, 506 and 120-B IPC registered at Police Station Kalka, District Panchkula along with all consequential proceedings arising therefrom including judgment of conviction and order of sentence dated 02.02.2018 passed by Sub Divisional Judicial Magistrate, Kalka on the basis of compromise dated 06.02.2020 (Annexure P-3).

Learned counsel for the petitioners submits that the parties have arrived at an amicable settlement subsequent to the conviction of the petitioners vide Annexure P-2. In support of his submissions, he has placed reliance upon judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1393 of 2011 titled as 'Ramawtar Vs. State of Madhya Pradesh' decided on 25.10.2021 : LL 2021 SC 589*** and this

Court in *Sube Singh and another Vs. State of Haryana and another : 2013(4) RCR (Criminal) 102.*

Learned counsel for respondent No.2 does not dispute the submissions made by counsel opposite and the factum of compromise having been indeed arrived at between the parties.

Vide order dated 01.12.2021 of this Court, the parties were directed to appear before the learned Chief Judicial Magistrate on 24.12.2021 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Chief Judicial Magistrate, Panchkula, in pursuance to the direction of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made a statement to the effect that she would have no objection if the FIR *qua* the petitioners is quashed.

The Chief Judicial Magistrate has annexed the statements of the parties in original, alongwith its report.

Learned State counsel too submits that there are no other accused other than the petitioners and respondent No.2 is the only aggrieved person in the FIR in question.

In view of the report of the learned Chief Judicial Magistrate, Panchkula and the principles laid down by the Apex Court in *Criminal Appeal No.1393 of 2011 titled as 'Ramawtar Vs. State of Madhya Pradesh' decided on 25.10.2021 : LL 2021 SC 589* and this

Court in *Sube Singh and another Vs. State of Haryana and another : 2013(4) RCR (Criminal) 102*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising therefrom including judgment of conviction and order of sentence dated 02.02.2018 passed by Sub Divisional Judicial Magistrate, Kalka, are quashed.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

18.02.2022

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(MANJARI NEHRU KAUL)
JUDGE

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