

Karambir

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Rajiv Kumar Saini, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. K.L.Saini, Advocate,

for the respondent no.2.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conferencing.

By this petition, the petitioners seek quashing of FIR No.651, dated 27.10.2018, registered at Police Station City, Yamunanagar, alleging therein the commission of offences punishable under Sections 341/506/509 of the IPC, as also all other subsequent proceedings arising therefrom, on the basis of a compromise (copy Annexure P-2), arrived at between the petitioner and respondent no.2 .

On 02.08.2021, the following order had been passed by this court:-

“Case heard via video conference.

By this application, advancement of the date of hearing in the accompanying petition is sought, which otherwise stands adjourned to 09.09.2021, and is one seeking quashing of the FIR in question on the basis of a compromise stated to have reached between the parties.

Notice of motion is seen to have been issued in the petition on 23.04.2019, after which the turn of the case never seems to have come up.

Notice in the application, with Mr.Neeraj Poswal,

AAG, Haryana, accepting notice at the asking of the court on behalf of respondent State and Mr. K.L.Saini, Advocate, appears for respondent no.2 and accepts notice.

It is also seen that a reply on behalf of the respondent State has been filed by the DSP, Yamunanagar, dated 18/27.05.2019, which is ordered to be taken on record.

Since learned counsel for respondent no.2 does not deny the factum of the compromise, therefore looking at the nature of the offences alleged to have been committed, the petitioner, as also respondent no.2, are directed to appear before the learned Area Magistrate/trial Court (as the case may be) up to 25.08.2021, to record their statements. That Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

That Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

A gazetted officer is directed to file an affidavit stating therein whether there are any other criminal cases registered against the petitioners, of like nature or otherwise.

Hence, as regards his application seeking early hearing of the matter, it is disposed of with the date of hearing kept standing at 09.09.2021, but with the Registry directed to positively list it for hearing on that date.”

Pursuant thereto a report dated 04.09.2021 has been received from the learned CJM, Yamunanagar, stating to the effect that that the complainant-respondent no.2, Sachin Kumar Gambhir, as also his wife Vandana, and Darshana Kumari (stated to be his mother), appeared before that court and got recorded their separate statements (annexed with the report), to the effect that they have compromised the matter with the petitioner (accused) and have no

objection to the FIR in question being quashed.

The statement of the petitioner in respect of the compromise was also recorded.

As per the statement of the investigating officer (also annexed with the report), there was no other accused in the matter except the petitioner, Karambir, and there were no other victims other than the complainant, his wife and his mother.

However, it has also been stated by the learned CJM that, as per the affidavit filed the DSP, Headquarters, Yamunanagar, there are four other criminal cases registered against the petitioner, essentially alleging therein the commission of similar offences.

Yet, as per the assessment of that court, the compromise entered into between the parties seemed to be voluntary and without any pressure or coercion.

Mr.K.L.Saini, Advocate, appears for respondent no.2 and reiterates that the matter indeed has been compromised between the parties.

That being so, looking at the nature of the offences alleged to have been committed by the petitioner, and the fact that the matter has been compromised between the petitioner and the complainant and victims, the present petition is allowed and FIR No.651, dated 27.10.2018, registered at Police Station City, Yamunanagar, alleging therein the commission of offences punishable under Sections 341/506/509 of the IPC, along with all proceedings emanating therefrom, is hereby quashed.

February 08, 2022

dharamvir

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES
Whether Reportable : NO