

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(229)

CRM No. M-44831 of 2021
Date of Decision : 24.02.2022

Lokesh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deepak K. Bartia, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Neeraj Januha, Advocate for
Mr. Davinder Kumar, Advocate
for respondent No. 2/complainant.

Harsimran Singh Sethi J. (Oral)

In the present petition, the prayer of the petitioner is for quashing of FIR No. 456, dated 21.08.2020, registered under Section 379-B IPC at Police Station Shahabad, District Kurukshetra and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

This Court while issuing notice of motion on 27.10.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No. 456, dated 21.08.2020, registered under Section 379-B IPC at Police Station Shahabad, District Kurukshetra, on the basis of compromise entered into between the parties.

Learned counsel for the petitioner argues that in order to live peacefully, parties have entered into compromise on 14.10.2021, according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who is present in Court, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No. 1

Mr. Davinder Kumar, Advocate, who is also present in Court, accepts notice on behalf of respondent No. 2. He admits the factum of the compromise entered into between the parties and raises no objection, in case the FIR in question is quashed on the basis of the said compromise.

Adjourned to 13.12.2021.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement on 08.11.2021 by moving appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in the FIR,*
- 2. Whether any accused is a proclaimed offender,*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence,*
- 4. Whether the accused persons are involved in any other FIR or not, and*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainants as well*

as accused are party to the compromise in question.

The question of imposition of cost for wasting valuable time of police as well as the Court will be assessed at the time of final hearing of present petition, in case the FIR is to be quashed.”

In pursuance to the above mentioned order, a report has come from District & Sessions Judge, Kurukshetra addressed to the Registrar General of this Court dated 02.12.2021 along with the statements of the accused-petitioner as well as the complainant. The relevant part of the said report is as under :-

“Complainant/victim Mullo Devi and accused Lokesh have been identified by their respective counsels Shri Kirpal Singh Sohal and Shri Vikas Tomar, Legal Aid Counsel.

Statement of Investigating Officer was also recorded on 30.11.2021, who stated that :

- (i) He has no knowledge of compromise between parties.*
- (ii) Accused Lokesh is facing trial in the above said case;*
- (iii) He has not been declared proclaimed offender in the case.*
- (iv) the case is at the stage of recording statement of accused under Section 313 Cr.P.C.*

Keeping in view above said facts, it is respectfully submitted that in the considered opinion of this Court, the compromise has been arrived at between the parties voluntarily and without there being any kind of influence or coercion.”

As per the said report, the compromise between the parties is bona fide and is not a result of any pressure or coercion on any of the parties to the compromise and the accused has not been declared as proclaimed

offender and no other criminal proceedings are pending against him.

Learned counsel for the petitioner submits that in order to live peacefully, the parties have compromised their dispute and, therefore, the present petition may kindly be allowed and the FIR in question may be quashed on the basis of the compromise, a copy of which has been appended with this petition as Annexure P-2.

Learned counsel for the respondent No. 2/complainant admits the compromise as well as the statement made before District & Sessions Judge, Kurukshetra and does not raise any objection, in case the FIR in question is quashed on the basis of the compromise.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise.

Keeping in view the totality of the circumstances which have been mentioned herein before and that the parties have already entered into compromise to settle their dispute so as to live peacefully and the accused is not a proclaimed offender and there are no other criminal cases against the accused-petitioner, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, the FIR No. 456, dated 21.08.2020, registered under Section 379-B IPC at Police Station Shahabad, District Kurukshetra and all other subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise entered into between the parties.

The above order, quashing of the FIR, will be subject to the payment of Rs.15000/- as cost, to be deposited by the petitioner with Prabh

Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society,
(who are maintaining Orphans) in Bank A/c No. 014894600000970, SCO
151-152, Sector 9-C, Chandigarh or A/c No. 100035657241 of IndusInd
Bank, Sector-54, Phase-II, Mohali Branch.

February 24, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No