

CRM-M-45116-2021 (O&M)

Date of decision: 16.11.2022

Rakesh Kalra

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

Mr. Maneet Kaushik, Advocate for
Mr. Sagar Aggarwal, Advocate
for respondents No.2 and 3.**NAMIT KUMAR, J. (ORAL)**

This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.48 dated 01.04.2016 under Sections 279/337/338 of IPC registered at Police Station Guhla, District Kaithal and all subsequent proceedings arising therefrom including judgment of conviction dated 05.11.2019 (Annexure P-2), on the basis of compromise dated 08.10.2021 (Annexure P-3).

Vide order dated 28.10.2021, this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 28.10.2021 with regard to the compromise dated 08.10.2021 (Annexure P-3). The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order. Pursuant to the order dated 28.10.2021 passed by this Court, the parties have appeared before the learned Sub Divisional Judicial Magistrate, Guhla and as per the report

dated 23.11.2021 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence and petitioner is not a proclaimed offender.

The Hon'ble Supreme Court in **"Ramgopal and another versus State of Madhya Pradesh, 2021(4) RCR (Criminal) 322"**, has held that in non-compoundable cases of pre-dominantly private nature, even if compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully covered in consonance of judgments and the directions issued by the Court in **"Kulwinder Singh & Ors. Vs. State of Punjab 2007 (3) RCR (Criminal) 1052"** and **"Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543"**.

The Hon'ble Supreme Court in **"A.T. Sivaperumal versus Mohammed Hyath (D) by LRs, decided on 27.03.2017"**, has held that once the settlement between the parties has been arrived at, the conviction can also be set aside and the litigation too. Similar view has been taken by a Co-ordinate Bench of this Court in the case of **"Jagmohan Vs. Sandeep Aggarwal and another 2021(4) RCR (Criminal) 86"**.

In view of the aforesaid report of the learned Sub Divisional Judicial Magistrate, Guhla accompanied by statements of both the parties, FIR No.48 dated 01.04.2016 under Sections 279/337/338 of IPC registered at Police Station Guhla, District Kaithal along with all consequential proceedings arising therefrom as well as judgment of conviction dated 05.11.2019 (Annexure P-2) are hereby quashed, on the basis of

compromise, *qua* the petitioner only, subject to the petitioner depositing an amount of Rs.15,000/- as costs, with the Punjab & Haryana High Court Legal Services Committee within three months from the date of passing of this judgment.

The petition stands disposed off accordingly.

16.11.2022

Neha

(NAMIT KUMAR)
JUDGE

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