

240

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

CRM-M-51175-2019

Date of decision:13.05.2022

NARESH KUMAR ARORA

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Namit Khurana, Advocate for the petitioner.

Mr. Sumit Gupta, Addl. A.G. Haryana.

Mr. Shagun Thapar, Advocate for respondent No.2-complainant.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner by filing the present petition under Section 482 Cr.P.C., is seeking quashing of FIR No.166, dated 10.06.2019, under Sections 406, 420 of IPC, lodged at Police Station Taraori, District Karnal, and, also of all subsequent proceedings arising therefrom, on the basis of compromise arrived at between the parties.

2. When the instant petition came up before this Court, on 02.12.2019, an order was made upon the learned Magistrate concerned, to make a report to this Court, with respect to the genuineness of the afore compromise, and, also in respect of antecedental criminal activity of the accused, and, besides with regard to the total number of accused involved in the case, and, his/their status of being proclaimed offender/ person. The afore order, makes it apparent that the petitioner, had depended, upon, a compromise/settlement, arrived at, in respect of the FIR (supra) with the complainant-respondent(s).

3. The afore made order by this Court on 02.12.2019, has been complied with by the learned Magistrate concerned, and, the elicited report has

been placed on record. A perusal of the report, transmitted to this Court, by the learned Magistrate concerned, reveals that the settlement / compromise, arrived at *inter-se* the petitioner, and, complainant-respondent(s), is a sequel of both, being *ad idem qua* it, besides the compromise / settlement being a sequel of no pressure or coercion, being exercised upon each other. Moreover, the compromise is compositely drawn, and, thereons exist the signatures of all concerned, in the penal transactions concerned. Therefore, the learned Magistrate has reported that the settlement / compromise, depended upon, by the petitioner, for seeking the quashing of the FIR (supra), is both voluntary, and, also free from vices of duress, and, or of compulsion, being exercised upon each other, besides is genuine.

4. Since, the offences carried in the FIR (supra), are compoundable, and, also when a valid compromise has been entered into, *inter-se*, the accused petitioner, and, the respondent(s)-complainant, besides when the learned State Counsel has stated on instructions meted to him, that after presentation of challan/report under Section 173 Cr.P.C., before the learned Magistrate concerned, through the charges have been framed, but the prosecution evidence has not yet commenced. Therefore, this Court deems it fit to allow the petition.

5. Consequently, the present petition is allowed, and, the FIR (supra), and, also all subsequent proceedings arising therefrom, are quashed only *qua* the petitioner.

(SURESHWAR THAKUR)
JUDGE

13.05.2022

Ithlesh

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No