

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

(282)

CRM-M-12517-2023

Date of Decision :-11.07.2023

Mandeep Singh**...Petitioner****Versus****State of Haryana and others****...Respondents*****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: None for the petitioner.

Mr. Surender Singh, Additional Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No. 464 dated 03.09.2020 under Sections 406, 420 IPC (Sections 467, 468, 471 IPC added lateron) registered at Police Station Pehowa, District Kurukshetra and all other subsequent proceedings arising therefrom, on the basis of the compromise dated 22.11.2022 (Annexure P-2), which has been entered into between the parties.

2. On 14.03.2023, a Coordinate Bench of this Court had passed the following order:-

“The petitioner has filed the present petition seeking quashing of FIR No.464 dated 03.09.2020 under Sections 406, 420 IPC (Sections 467, 468, 471 IPC added lateron) registered at Police Station Pehowa, District Kurukshetra and all consequential proceedings arising therefrom on the basis of the compromise dated 22.11.2022 (Annexure P-2). Learned

counsel for the petitioner has submitted that the dispute between the parties is of civil nature and the FIR in question was registered on the basis of misunderstanding. He submits that after filing of the FIR, both the parties have amicably resolved the issue and thus, prosecution of the petitioner is nothing but an abuse of the process of the Court.

Notice of motion.

Mr. B.S. Virk, Deputy Advocate General, Haryana accepts notice on behalf of respondent No.1 and Mr. Shailender Singh Momi, Advocate, accepts notice on behalf of respondent No.2.

Learned counsel for respondent No.2 has endorsed the contention raised by learned counsel for the petitioner and has not denied the factum of compromise effected between the parties.

Adjourned to 06.07.2023.

Let the State file status report.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 11.04.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It shall also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.

The Illaqa/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.”

3.

A report dated 29.04.2023 appended as (Annexure-A) has come

from Sub Divisional Judicial Magistrate, Pehowa addressed to the Registrar General of this Court along with the statement of the accused-petitioner as well as the complainant, which have been recorded. As per the said report, the compromise between the parties is genuine, voluntary and without any coercion or undue influence and the accused-petitioner has not been declared as proclaimed offender and no other criminal proceedings are pending against him. The relevant portion of the report is as under:-

“1. Compromise appears to be genuine, without any pressure or undue influence.

2. The compromise is not the result of any fraud or representation and the same is the result of free will of the parties.

3. Apart from accused Mandeep Singh, no other accused is involved in the present case FIR.

4. The accused is not involved in any other FIR case and has not been declared as proclaimed offender either in present case or in any other case.”

4. As per the report of the trial Court, the parties have already entered into compromise so as to live peacefully hence, no useful purpose will be served in keeping the FIR alive.

5. Learned State counsel has also not raised any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise dated 22.11.2022 (Annexure P-2).

6. Keeping in view the totality of the circumstances, which have been mentioned hereinbefore as 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.

7. Thus, FIR No. 464 dated 03.09.2020 under Sections 406, 420 IPC (Sections 467, 468, 471 IPC added lateron) registered at Police Station Pehowa, District Kurukshetra and all other subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise entered into between the parties.

8. This order, quashing of the FIR, will be subject to the payment of Rs.10,000/- as cost to be deposited with the Institute for the Blinds, Sector 26, near Homeopathic Medical College and Hospital, Chandigarh, by the petitioner.

July 11, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No