

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

CRM-M-12721-2023

Date of Decision: April 12, 2023

GULSHAN KUMAR

..... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parminder Singh, Advocate for petitioner.
Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.
Ms. Anita Devi, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C. the petitioner pray for quashing FIR No.0202, dated 21.05.2022 under Sections 406, 420 and 506 IPC registered at Police Station Butana, District Karnal (P-1) along with all consequential proceedings arising out of the same on the basis of compromise dated 30.01.2023 (P-2).

2. As per allegations levelled in the FIR, the petitioner duped respondent No.2 on the pretext of sending him abroad.

3. In pursuance to an order dated 15.03.2023 passed by this Court whereby, the parties were directed to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 31.03.2023 has been received from the concerned Court, stating that the compromise in the present case is voluntary and without any pressure. There is no other accused except the present petitioner. The accused has never been declared as proclaimed offender.

4. Learned counsel for the petitioner submits that once, a compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regard quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He also submits that even, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5 On the other hand, learned State counsel submits that allegations in the present FIR are of serious nature and he opposes the prayer made in the petition.

6. I have heard learned counsel for the parties and gone through the records including the report dated 31.03.2023. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the directions issued by this 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”.

7. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the petition is allowed and FIR No.0202, dated 21.05.2022 under Sections 406, 420 and 506 IPC along with all consequential proceedings arising therefrom, are hereby quashed.

8. The aforesaid order shall however be subject to payment of Costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer’s Family Welfare Fund having account No. 41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

12.04.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>