

CRM-M-15256-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-15256-2022

Date of decision: July 24, 2023

Laxman Garg and others

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr.Tanmoy Gupta, Advocate for petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Ashok Kumar Munjal, Advocate for respondent Nos.2 to 4.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for quashing of FIR No.861 dated 16.09.2017, under Sections 147, 323, 427, 452, 506 read with Section 149 IPC, 1860 (Sections 354, 379 IPC were deleted and Section 325 IPC was added later on), registered at Police Station, Saran, District Faridabad, Haryana and subsequent proceedings thereto, on the basis of compromise deed dated 10.03.2022 (Annexure P-2), which is stated to have been entered into between the parties.

2. Since quashing was sought on the basis of compromise, this Court on 08.04.2022 had directed the parties to appear before the trial Court/*Illaqua*Magistrate for recording of their statements in support of the compromise. A veracity report was also called for.

3. Placed on record is a report dated 14.07.2022 of learned Judicial Magistrate First Class, Faridabad and a perusal of the same would reveal that the statements of the complainant/respondents No.2 to 4 as also of the accused/present petitioners herein have been duly recorded. It is opined that a compromise has been arrived and is without any pressure, duress, inducement and threat of any kind from any corner voluntarily with their free will. The report is accompanied by the statements of the parties which were duly recorded. However, respondent No.5, stated to be another victim, serving at the relevant as a domestic help in the house of respondent No.2-

complainant has since quit his job and his whereabouts were not known. It may not thus

be possible to trace him in the absence of his current address. As regards respondent No.6,he is stated to have expired.

4. Learned counsel appearing on behalf of respondents No.2 to 4 makes a statement that the compromise having been effected, he would have no objection to the quashing of the FIR in question.

5. This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a decision dated 29.09.2021 of the Supreme Court in case titled *Ramgopal and anr. V. The State of Madhya Pradesh*¹ and a Full Bench decision of this Court in *Kulwinder Singh and others V. State of Punjab and others*².

6. Adverting to the case in hand, in view of the compromise (Annexure P-2) and the alleged nature of offences, no useful purpose would be served by continuing further with the trial, as the complainant as well as other victims do not wish to press their charges against the petitioners, and the trial is likely to result in their acquittal.

7. For the reasons recorded above, the present petition is allowed. FIR No.861 dated 16.09.2017, under Sections 147, 323, 427, 452, 506 read with Section 149 IPC, 1860 (Sections 354, 379 IPC were deleted and Section 325 IPC was added later on), registered at Police Station, Saran, District Faridabad and all proceedings emanating from are quashed.

8. Pending application(s), if any, shall also stand disposed of.

July 24, 2023
Sachin M./jyt

(ARUN MONGA)
JUDGE

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

¹Criminal Appeal No.1489 of 2012
²2007 (3) RCR (Criminal) 1052