

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

275

CRM-M-16425-2023

Date of Decision :-17.07.2023

Jai Parkash @ Jai Parkash Yadav**...Petitioner****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Ravi Kumar Girdhwal, Advocate for the petitioners.

Mr. Surender Singh, AAG, Haryana.

Mr. Nitish Yadav, Advocate for respondent No.2.

* * *

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of quashing of the FIR No.1025 dated 05.10.2018 (Annexure P-1), under Sections 420, 406 (467, 468 & 471 added later on) of the Indian Penal Code, 1860, registered at Police Station Sadar Jhajjar, District Jhajjar, on the basis of the compromise dated 15.03.2023 (Annexure P-2), which has been entered into between the parties.

On 10.04.2023, a Coordinate Bench of this Court had passed the following order:-

“Prayer in this petition is for quashing of the FIR No.1025 dated 05.10.2018 (Annexure P-1), under Sections 420, 406 (467, 468 & 471 added later on) of the Indian Penal Code, 1860, registered at Police Station Sadar Jhajjar, District Jhajjar, on the basis of the compromise dated 15.03.2023 (Annexure P-2) entered into between the parties.

Notice of motion.

On the asking of the Court, Mr. Surender Singh, A.A.G., Haryana, accepts notice on behalf of the respondent-State.

Mr. Nitish Yadav, Advocate, has put in appearance on

behalf of respondent No.2 and filed his Power of Attorney, which is taken on record. He also admits the factum of compromise arrived at between the parties.

List on 17.07.2023.

Meanwhile, the parties are directed to appear before the learned trial Court/Area Magistrate on 09.05.2023 or any other convenient date to the Court and

The trial Court/Area Magistrate is directed to submit a report on or before the next date of hearing containing the following information:

1. Number of persons arrayed as accused in FIR,
3. Whether the compromise is gen
4. Whether the accused persons are involved in any other FIR or not.
5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”

A report dated 14.07.2023 appended as (Annexure-A) has come from Chief Judicial Magistrate, Jhajjar, addressed to the Registrar General of this Court along with the statements 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 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:-

“In view of the statements of interested parties, this Court is satisfied that they have compromised the matter amongst themselves voluntarily and without any pressure and complainant has no objection if the present proceedings are dropped against the accused.

As far as the information as sought by the Hon’ble High Court under point i. ii & v it is submitted that in the present case only one accused namely Jai Parkash @ Jai Parkash Yadav (petitioner before the Hon’ble High Court) has been booked and no proclamation proceedings are pending against him the present case. It is further respectfully submitted that in this regard statement of I.O. has also been recorded who has stated that in this case except the accused namely ai Parkash @ Jai Parkash Yadav, no other person has been booked as accused. He has also stated that no accused has been declared as proclaimed person in the present proceedings. The Investigating officer has also stated in writing that in the present case, complainant Chanderkala is the only victim.

As far as the information as sought by the Hon’ble High Court under point iv, it is submitted that the accused has filed his affidavit wherein he has submitted that except the present case, no other case is pending against

him. It is also submitted that in respect of aforesaid information, statement of I.O. has also been recorded wherein he has stated that one another case bearing FIR No.26 dated 26.03.2007, under Sections 323, 325, 34 IPC PS, Rewari was also registered against the accused and in the said case, the accused was convicted. He has further stated that however, the accused had preferred an appeal against the said order of conviction and the same was set aside by the Ld. Sessions Court Rewari vide judgment dated 07.06.2016.”

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.

Learned State counsel has not raised any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise.

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, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, FIR No.1025 dated 05.10.2018 (Annexure P-1), under Sections 420, 406 (467, 468 & 471 added later on) of the Indian Penal Code, 1860, registered at Police Station Sadar Jhajjar, District Jhajjar and all other subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of the compromise dated 15.03.2023 (Annexure P-2) entered into between the parties.

The above order, quashing of the FIR, will be subject to the payment of Rs.10,000/- as cost to be deposited with Kartar Aasra Old Age Home, Kartar Aasra Road, Rock Garden, Sector-1 Chandigarh, 160001, Kartar Aasra Trust, ICICI Bank, Current A/C No.001305500868, IFSC-

ICICI0000013 by the petitioner.

July 17, 2023
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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