

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

238

CRM-M-15718-2023

Date of decision: 29.05.2023

Mohammed Akram

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhinav Kalia, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana
for respondent No.1-State.

None for respondents No.2 and 3.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.0626 dated 12.12.2013 under Sections 420, 465, 468 and 471 of the IPC registered at Police Station Baldev Nagar, District Ambala along with all consequential proceedings arising therefrom including judgment of conviction/order of sentence dated 09/12.09.2022 passed by learned Judicial Magistrate 1st Class, Ambala on the basis of compromise dated 22/25.11.2022 (Annexure P-4).

2. Learned counsel for the petitioner submits that the parties have arrived at an amicable settlement subsequent to the conviction of the petitioner vide Annexure P-2. In support of his submissions, he has placed reliance upon judgment of this Court in *Sube Singh and another Vs. State of Haryana and another : 2013(4) RCR (Criminal) 102* and Hon'ble Supreme Court in *Criminal Appeal No.1393 of 2011*

titled as 'Ramawtar Vs. State of Madhya Pradesh' decided on 25.10.2021 : LL 2021 SC 589 wherein it has been held that the powers of the Court under Section 482 of the Cr.P.C. can be invoked to quash a complaint/FIR on the basis of a voluntary compromise even at a post conviction stage.

3. Vide order dated 28.03.2023 of this Court, the parties were directed to appear before the learned Trial Court/Illaq Magistrate on 28.04.2023 to get their statements recorded regarding the compromise arrived at, between them.

4. Report has since been received from learned Judicial Magistrate 1st Class, Ambala, in pursuance of the direction of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and respondents No.2 and 3 have also made a statement to the effect that they would have no objection if the FIR *qua* the petitioner is quashed.

5. The learned Judicial Magistrate 1st Class, Ambala has annexed copies of the statements of the parties alongwith his report.

6. In view of the report of the learned Judicial Magistrate 1st Class, Ambala and the principles laid down by the Apex Court in ***Criminal Appeal No.1393 of 2011 titled as 'Ramawtar Vs. State of Madhya Pradesh' decided on 25.10.2021 : LL 2021 SC 589*** and this Court in ***Sube Singh and another Vs. State of Haryana and another : 2013(4) RCR (Criminal) 102***, the instant petition is allowed. The

aforesaid FIR and all consequential proceedings arising therefrom

including judgment of conviction/order of sentence dated 09/12.09.2022 passed by learned Judicial Magistrate 1st Class, Ambala, are quashed.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

29.05.2023

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(MANJARI NEHRU KAUL)
JUDGE

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