

269

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

CRM-M-17415-2023 (O&M)

Date of Decision: 01.12.2023

Ravinder and others

....Petitioner(s)

Versus

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vishav Pal Singh, Advocate, for
Mr. Keshav Pratap Singh, Advocate, for the petitioners.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. C.R. Dahiya, Advocate, for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 161 dated 05.03.2022, under Sections 341, 384, 379-B IPC (Sections 379-B, 384 IPC added and Section 379-A IPC deleted later on), registered at Police Station Sector 32-33, Karnal, District Karnala alongwith all other consequential proceedings, based upon compromise (Annexure P-2).

2. Learned counsel appearing on behalf of the petitioners submitted that it is a case where the allegations against the petitioners were that the complainant had lodged a complaint to the police that the petitioners had shown some sharp weapons and demanded Rs. 50,000/- in

lieu of leaving the complainant's car and they committed a theft of Rs. 50,000/-. He submitted that it was on the basis of some misunderstanding between the parties and thereafter, the matter has been settled between the parties with the intervention of the respectables and, therefore, no useful purpose will be served in case further proceedings are carried on against the petitioners. He further submitted that in pursuance of the orders passed by this Court on 13.04.2023, the parties had appeared before the learned Additional Sessions Judge, Karnal and got the statements recorded with regard to the factum of compromise and considering the aforesaid facts and circumstances where the matter has been amicably settled between the parties, the FIR alongwith all the consequential proceedings may be quashed.

3. Mr. Vishal Kashyap, learned DAG, Haryana has submitted that it is correct that the subject matter of the theft in the present case is Rs. 50,000/-.

4. Mr. C.R. Dahiya, learned counsel appearing on behalf of the complainant/respondent No.2 has submitted that it is correct that an amicable settlement has been arrived at between the parties and he has no objection in case the FIR is quashed based upon compromise.

5. I have heard the learned counsel for the parties.

6. In pursuance of the orders passed by this Court on 13.04.2023, a report has been received from the learned learned Additional Sessions Judge, Karnal dated 19.06.2023 whereby it has been so stated that the complainant namely, Darpreet Singh has got recorded his statement in this regard and similarly, the statements of the other parties were also recorded including the I.O and it has also been stated that the matter has been

compromised between the parties with their free will and consent and without pressure or coercion on either side and compromise effected between the parties is genuine and voluntary.

7. The law with regard to quashing of FIR based upon compromise is no longer *res integra*. The Hon'ble Supreme Court in "***Gian Singh Vs. State of Punjab and another***", 2012(10) SCC 303, "***State of Madhya Pradesh Vs. Laxmi Narayan and others***", 2019(2) SCC (Crl.) 706 and Full Bench judgment of this Court in "***Kulwinder Singh and others Vs. State of Punjab and another***", 2007(3) RCR(Criminal) 1052 observed that in case where the Court finds that the subject matter of the case is not serious or heinous and the parties have arrived at an amicable settlement voluntarily or without any force or coercion, then considering the facts and circumstances of each and every case, the FIR can be quashed based upon compromise.

8. In the facts and circumstances of the present case the subject matter of the present allegations in the FIR does not fall in the category of any serious and heinous offence and even otherwise also, the subject matter of theft is stated to be only Rs. 50,000/-. Furthermore, the learned Additional Sessions Judge, Karnal has also reported that as per the statements of the parties, the compromise is voluntary and without any coercion. Therefore, this Court is of the view that since the subject matter of the present case does not fall in the category of any serious or heinous offence and the matter has been amicably settled between the parties, it is a fit case for quashing of the FIR based upon compromise.

9. Consequently, the present petition is allowed and the FIR No. 161 dated 05.03.2022, under Sections 341, 384, 379-B IPC (Sections 379-B,

384 IPC added and Section 379-A IPC deleted later on), registered at Police Station Sector 32-33, Karnal, District Karnala alongwith all other consequential proceedings is hereby quashed qua the petitioners based upon compromise.

01.12.2023
rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking

:

Yes/No

Whether reportable

:

Yes/No