

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

**CRM-39652-2022 in/and CRM-M-34922-2018
Date of Decision: November 29, 2023**

RAJ KUMAR AND ORS

.....Applicants-Petitioners

Versus

STATE OF HARYANA AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shekhar Verma, Advocate for the applicants-petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Suraj Madhan, Advocate for
Mr. Kamal Kant, Advocate for complainant.

Mr. Sakal Sikri, Advocate for respondents No.3-5.

HARPREET SINGH BRAR, J. (ORAL)**CRM-39652-2022:-**

The present application under Section 482 CrPC was filed for listing main case on actual dated and for final disposal in terms of compromise dated 30.07.2018.

Learned counsel for the petitioners submits that vide this Court's order dated 25.05.2022, main case was admitted and ordered to be listed within two years. Both the applicants-petitioners No.3 and 8 are senior citizens aged 70 and 73 years respectively. The prayer of the main accused who has approached this Court by way of filing CRM-M-15644-2016 titled as Surender Singh Vs. State of Haryana and Others seeking quashing of FIR on the basis of compromise which has already been allowed by this Court on 20.09.2018.

In view of the aforesaid position, the present application is allowed and the main case is ordered to be taken on board today itself.

CRM-M-34922-2018:-

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.248 dated 18.08.2015 registered under Sections 406, 409, 420, 467, 468, 471, 201 and 120-B IPC at Police Station Bootana, District Karnal, (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 30.07.2018.

2. The FIR has been registered on the statement of complainants on the allegations that the accused-petitioners executed a fabricated sale deed by showing plot No.130-A as plot No.138-A. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Learned counsel for the petitioner contends that the remaining victims in the present case have already been allowed to be impleaded as respondents No.3-5 by this Court on 03.03.2023. Learned counsel for the petitioner contends that Surrender Singh, the main accused has approached this Court by filing CRM-M-15644-2016 and this Court vide order dated 20.09.2018 has quashed the FIR in question on the basis of compromise. In the report sent by the learned Illaqa Magistrate inadvertently, it was recorded that the petitioner Raj Kumar suffered a statement that no compromise has been arrived at between him and respondent No.2 Kulwant Singh, however, in the next paragraph it has been recorded that Rajkumar was in fact in custody in some other case.

Be that as it may, a perusal of report indicates that the compromise is genuine and voluntary. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Chief Judicial Magistrate, Karnal stating that the compromise arrived at between both the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Haryana on instructions from Investigating Officer and learned counsel for respondents No. 3 to 5 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya***

(Mrs.) and others (1980) 1 SCC 63, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

7. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No.248 dated 18.08.2015 registered under Sections 406, 420, 409, 467, 468, 471, 201 and 120-B IPC at Police Station Bootana, District Karnal, (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioners.

29.11.2023
tejwinder

(HARPREET SINGH BRAR)
JUDGE

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