

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-24570-2021
Reserved on: 01.03.2023
Pronounced on: 11.04.2023

Ram Mehar and othersPetitioners

Vs.

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Narender Kajla, Advocate for
Mr. G.S. Duhan, Advocate for the petitioners.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Dinesh Mahajan, Advocate for
Mr. Shailender Singh Gill, Advocate for respondent No.2.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
253	26.08.2008	Thanesar Sadar, District Kurukshetra	420, 463, 467, 468, 468, 471, 193, 195, 205 & 120-B IPC

The petitioners, arraigned as accused in the above captioned FIR, have come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person.

2. During the pendency of the petition, the accused and the aggrieved person have compromised the matter, and its copy is annexed with this petition as Annexure P-2.
3. After that, the petitioners came up before this Court to quash the FIR, and in the quashing petition, impleading the aggrieved person as respondent.
4. This court had asked the parties to appear before the concerned court and had asked the said court to give its report as per the format. The report reads as follows:

Name of the reporting Court	Rajnish Kumar Sharma, Additional Sessions Judge (Ist) Kurukshetra
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FIR No.	Dated	Police Station	Sections
253	26.08.2008	Sadar Thanesar	420, 423, 467, 468, 471, 193, 195, 205, 120-B IPC

Criminal Case no. before trial Court	Sessions Case bearing CNR No.HRKU01-0014942017 SC No.85 of 2017 titled as State vs. Ram Mehar and others
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1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	Parvesh Saharan Legal representative of Shri Ram Lal son of Deva Singh, aged 30 years, shopkeeper, r/o H.No.42/B 6/7, Rajindera Park, K.D. Hospital Road, Ambala Cantt, Distt. Ambala
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	16.02.2023
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes, on the basis of Aadhar card and they have been identified by their counsel
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes, In the present case there is only one victim/aggrieved person who has compromised the matter with appearing accused
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	No
6.	Names of the accused person(s)	1. Ram Mehar son of Harchand, resident of village Pillu Khera, P.S. Pillu Khera, District Jind. 2. Jai Parkash son of Bhale Ram, resident of village Pillu Khera, P.S. Pillu Khera, District Jind. 3. Daya Nand son of Ganeshi Lal, resident of Village Pillu Khera, P.S. Pillu Khera, District Jind. 4. Hakam Singh son of Deva Singh, resident of village Ghararsi, Tehsil Thanesar, District Kurukshetra. 5. Parveen Kumar son of Ram Phal, resident of H.No.74, Vivraj Colony, Assand Road, Panipat (Accused Parveen Kumar was declared proclaimed offender vide order dated 16.03.2020 passed by the court of Sh. Rakesh Singh, the then learned Additional Sessions Judge, Kurukshetra.
7.	Dates on which the statement(s) of the accused persons(s) recorded	16.02.2023
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	In the present case, four accused persons have compromised the matter except with one accused namely Parveen Kumar who was declared proclaimed offender vide order dated 16.03.2020 passed by the court of Sh. Rakesh Singh, the then learned Additional Sessions Judge, Kurukshetra

9.	Whether proclamation proceedings are pending against any accused?	No
10.	Has the police report been filed or not?	Yes, police report was filed in the court on 01.10.2013 against accused namely Ram Mehar, Jai Parkash, Daya Nand and Hakam Singh AND Supplementary report was filed on 01.05.2015 against accused Parveen Kumar
11.	Notice of accusation /Charges have been framed or not?	Yes, in the present case charges have been framed against all the accused persons vide order dated 19.12.2017 passed by the Court of Shri R.C. Dimri, the then learned Additional Sessions Judge, Kurukshetra
12.	Sections of statutes invoked in the matter	420, 423, 467, 468, 471, 193, 195, 205, 120-B IPC
13.	Whether the court is satisfied with the genuineness of the compromise?	Yes, the Court is satisfied that the compromise is genuine, voluntarily and is without any coercion and undue influence has taken place among the parties to the matter before this Court.

ANALYSIS & REASONING:

5. The complainant had expired and respondent No.2 claims himself to be sole beneficiary based on a Will. This is not a sufficient compliance of Section 320 CrPC. In case, respondent No.2 had produced the No Objection Certificate from other legal representatives, he would have been legally competent to enter into compromise in his individual capacity being a beneficiary. However, it is not even clear that other legal representatives are proposing to challenge the same or not.

6. Given above, the present petition is dismissed. However, liberty reserved to file a fresh either annexing the notarized affidavit of all other legal representatives along with affidavit or by asking for recording their statements before the concerned Illaqa Magistrate. It is clarified that in case, fresh petition is filed, there would be no necessity to re-examine the complainant/aggrieved person and the accused, whose statements stand recorded. The copies of the statements along with report would suffice.

Petition dismissed in the terms mentioned above, with liberty reserved. All pending application(s), if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

11.04.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.