

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

277

CRM-M-23160-2023

Date of Decision :-18.07.2023

Sharda Charan Nainwal @ Saurabh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Karamveer Singh Banyana, Advocate for the petitioner.

Mr. Surender Singh AAG, Haryana.

Mr. Rajesh Bansal, Advocate for respondents No.2.

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Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of quashing of the FIR No. 450 dated 26.05.2019 registered under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code at Police Station Thanesar City, District Kurukshetra and all subsequent proceedings arising therefrom on the basis of compromise dated 28.04.2023 (Annexure P-2), which has been entered into between the parties.

On 09.05.2022, a Coordinate Bench of this Court had passed the following order:-

“Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No. 450 dated 26.05.2019 registered under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code at Police Station Thanesar City, District Kurukshetra and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

Learned counsel for the petitioner submits that the dispute has been amicably settled between the private parties in terms of the compromise (Annexure P-2).

Notice of motion.

Mr. Bhupender Singh, DAG Haryana, who is present in the Court accepts notice on behalf of respondent No. 1-State

and seeks time to file reply/status report.

Mr. Rajesh Bansal, Advocate has put in appearance, filed power of attorney on behalf of respondent No. 2 which is taken on record, accepts notice on his behalf and admitted the factum of compromise.

In view of the above, parties are directed to appear before the Illaqa Magistrate/trial Court to get their statement(s) recorded with regard to co

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

1. Number of persons arraigned as accused in FIR;
2. Whether any accused is proclaimed offender;
3. Whether the compromise is genuine, voluntary, and without any coercion or undue influence;
4. Whether the accused persons are involved in any other case 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 and apprise this Court about the stage of proceedings?

The report of the Illaqa Magistrate/trial Court be awaited for 18.07.2023.

Status report/reply on behalf of State be also filed on the adjourned date.”

A report dated 02.06.2023 appended as (Annexure-A) has come from Chief Judicial Magistrate Kurukshetra, 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-petitioner 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:-

“1) Number of persons arraigned as accused i FIR:

As per statement of Investigating Officer complaint was moved by complainant against four accused persons, but as per disclosure statements of accused, two more persons were impleaded as accused in the present case, out of which, four accused persons namely Sharda Charan Nainpal @ Sourav, Amit Gulati, Jaspreet Singh Bhullar and Sachin @ Sunny were joined in the investigation, whereas, two accused persons are yet to be arrested in the present case.

2. Whether any accused if declared as proclaimed offender

No

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?

The said compromise/settlement is genuine and is not a result of any pressure or coercion in any manner.

4) whether the accused persons are involved in any other FIR.

No.

(5) The trial Court is also directed to record the statement of Investigating Officer as to how many victims/complainant are there in the FIR and apprise this Court about the stage of proceedings

As per statement of Investigating Officer, there is one complainant Ranbir and one victim Ajay (his son) in the instant FIR and case is at the stage of consideration on charge.”

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 none of the accused-petitioner is a proclaimed offender, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

It may be noticed that same FIR qua the other accused, on the basis of the compromise, has already been quashed by the Coordinate Bench of this Court while passing order in CRM-M-3029-2023 titled as **Sachin Arora @ Sunny vs. State of Haryana and another** and in CRM-M-60103-2022 titled as **Jaspreet Singh Bhullar and another vs. State of Haryana and another.**

Thus, FIR No. 450 dated 26.05.2019 registered under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code at Police Station

Thanesar City, District Kurukshetra and all other subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of the compromise dated 28.04.2023 (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-ICICI00000013 by the petitioner.

July 18, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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