

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

**CRM-M-24628-2023 (O&M)
Date of decision :21.08.2023**

Reena @ Padma Rana and others

... Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Nancy Vashishtha, Advocate, for the petitioners.

Mr. Kiran Pal Singh, Assistant Advocate General, Haryana
for respondent No.1.

Mr. Omkar Chauhan, Advocate for
Mr. Namit Khurana, Advocate for respondent Nos.2 & 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.0270 dated 27.05.2019 (P-1), under Sections 120-B, 406 & 420 of the Indian Penal Code, 1860, registered at Police Station Yamuna Nagar City, District Yamuna Nagar along with all consequential proceedings arising therefrom on the basis of compromise dated 20.02.2023 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 & 3.

(2) Above FIR was registered on the basis of statement made by complainant-Monika Bhatia (respondent No.2) with the allegations that the petitioner(s) sold the suit property to complainant's husband for total sale consideration of Rs.18 Lakh and received Rs.10 Lakh as earnest money. Thereafter on enquiry, husband of the complainant came to know that suit property is mortgaged with the Bank and title thereof is not clear. Afterwards, the petitioner(s) with a motive to cheat further sold the suit property to Vijay Kumar & Manoj Kumar for sale consideration of Rs.5,92,000/- which lead to registration of present FIR.

(3) The Co-ordinate Bench, while issuing notice of motion on the previous date of hearing i.e. 15.05.2023, passed the following order:-

“The petitioners seek quashing of FIR No.0270 dated 27.05.2019, registered at Police Station Yamuna Nagar City, District Yamuna Nagar, under Sections 120-B, 406 & 420 IPC on the basis of compromise.

Notice of motion.

Mr. Himmat Singh, Addl. AG, Haryana, accepts notice on behalf of respondent No.1 and waives service.

Mr. Namit Khurana, Advocate, puts in appearance and accepts notice on behalf of respondents No.2 & 3 and waives service.

Learned counsel for respondents No.2 & 3 admits the factum of compromise.

The parties are directed to appear before the trial Court/Illaq Magistrate on 11.07.2023 for getting their statements recorded. After recording the statements of the parties, the trial Court/Illaq Magistrate shall send a report to this Court regarding genuineness of compromise between them well before the next date of hearing.

Adjourned to 08.08.2023.”

(4) In terms of aforesaid order, the statements of both the parties were recorded by learned Chief Judicial Magistrate, Yamuna Nagar at Jagadhri and submitted a report dated 31.07.2023. The operative part of the same reads as under:-

“As per the statement of complainants, the matter between complainants and accused persons has been compromised without any coercion, undue influence and pressure. The complainants further stated that they have no objection, if the FIR is quashed against the accused persons. In the similar manner, the accused persons have given their statement that the matter between them has been compromised voluntarily, without any coercion, undue influence and pressure. From the statements of complainants and accused persons, it appears that the matter between both the parties has been compromised voluntarily, without any pressure of any kind from any corner and compromise effected between them is genuine.

2. Hence, it seems that the statements of parties are bona fide, not the result of any fraud or misrepresentation and is the result of free Will of the parties and the compromise effected between them is genuine, voluntary and without any coercion, pressure or undue influence and is valid.”

(5) A perusal of the aforesaid report clearly reveals that matter has been compromised by both sides i.e. petitioners as well as respondent Nos.2 & 3 with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no grievance shown by either of the parties against each other.

(6) Learned State Counsel, on instructions, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

(7) Learned Counsel for respondent Nos.2 & 3 also raises no objection.

(8) In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not involve any public funds. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

(9) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners. However, as a deterrence for the future, petitioners are burdened with costs of Rs.15,000/- (Rs.5000/- each). Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

August 21st, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No