

CRM-M-25214-2023 (O&M) AND
CRA-S-1442-2021 (O&M)

232 (2 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: September 19, 2023
CRM-M-25214-2023 (O&M)

1.

Akram

....Petitioner

versus

State of Haryana and another

....Respondents

2.

CRA-S-1442-2021 (O&M)

Akram

....Appellant

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. D.S. Matya, Advocate for petitioner/ appellant.

Mr. Karan Garg, AAG Haryana.

Mr. Navneet Kumar, Advocate
for respondent No.2/ complainant in CRM-M-25214-2023.

ARUN MONGA, J. (ORAL)

Vide this common order, above-mentioned two cases i.e., one quashing petition and another appeal, arising out of the same FIR, are being disposed of. For brevity, recitals/facts are from CRM-M-25214-2023.

2. Petition herein is under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of FIR No.315 dated 25.11.2020, under Section 379-A of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station City Nuh, District Nuh along with judgment of conviction dated 15.11.2021 and order of sentence dated 16.11.2021 passed by learned Sessions Judge, Nuh, and all consequential and subsequent proceedings, in view of compromise deed dated 12.05.2023 (Annexure P-3), which is stated to have been arrived at between the parties.

3. Since quashing was sought on the basis of compromise, this Court on 17.05.2023 had directed the parties to appear before the trial Court/ *Illaq*a Magistrate for recording of their statements in support of the compromise. A veracity report was also called for.

4. Placed on record is a report dated 23.08.2023 of learned Additional Chief Judicial Magistrate, Nuh. A perusal of the same would reveal that the statements of complainant /respondent No.2 as also of the accused/present petitioner herein have been duly recorded and it has been opined that a compromise has been arrived and the same is with their free will and without any fear, coercion or undue influence. The report is accompanied by the statements of the parties which were duly recorded.

5. Learned counsel appearing on behalf of respondent No.2/complainant in CRM-M-25214-2023 also makes a statement that the compromise having been effected, he would have no objection to the quashing of the FIR in question as well as setting aside of the judgment/ order of conviction/ sentence dated 15.11.2021/ 16.11.2021.

6. In view of decision of this Court rendered in **Sube Singh and another versus State of Haryana**¹, criminal proceedings can be quashed on the basis of compromise, even when the appellant has already been convicted/ sentenced vide judgment/ order of conviction/ sentence dated 15.11.2021/ 16.11.2021.

7. This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference may also be had to a decision dated 29.09.2021 of the Supreme Court in case titled **Ramgopal and anr. V. The State of Madhya Pradesh**² and a Full Bench decision of this Court in **Kulwinder Singh and others V. State of Punjab and others**³.

8. Adverting back to the facts of the present case, it is apparent that compromise has been arrived at between the parties with their free will and without any fear, coercion or undue influence.

¹ 2013 (4) R.C.R. (Criminal) 102

² Criminal Appeal No.1489 of 2012

³ 2007 (3) RCR (Criminal) 1052

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9. It would thus be an appropriate case for exercise of power under Section 482 Cr.P.C. and to bring to an end the criminal proceedings initiated in the light of the impugned FIR.
10. For the reasons recorded above, the present petition is allowed. FIR No.315 dated 25.11.2020, under Section 379-A of the Indian Penal Code, 1860 (for short ‘IPC’), registered at Police Station City Nuh, District Nuh along with consequential and subsequent proceedings, including impugned judgment/ order of conviction/ sentence dated 15.11.2021/ 16.11.2021 *qua* the petitioner stands quashed. Resultantly, connected appeal i.e., **CRA-S-1442-2021** preferred by the petitioner/appellant is rendered infructuous.
11. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 19, 2023
mahavir

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