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

**CRM-M-30506-2021 (O&M)
Date of Decision: 20.02.2023**

LOVE KUMAR GOYAL AND ANOTHER

....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Nandan Jindal, Advocate for
for the petitioners.

Mr. Ram Kumar Singla, DAG, Haryana.

Mr. Kapil Mohan Singh, Advocate for
Mr. Abhinandan Jindal, Advocate
for respondent No.2.

HARSH BUNGER, J. (Oral)

CRM-46272-2022

The instant application has been filed under Section 482 Cr.P.C
for placing on record the details of the FIRs registered against the petitioners
as per the order dated 15.11.2022.

For the reasons mentioned in the application, the same is
allowed subject to all just exceptions.

CRM-M-30506-2021

This petition has been filed for quashing of FIR No.629 dated
19.11.2020, under Sections 406 and 420 of Indian Penal Code registered at

Police Station Sadar Thanesar (Annexure P-1) and all the consequent proceedings arising therefrom, on the basis of affidavits dated 19.06.2021 & 24.06.2021 (Annexure P-2).

Vide order dated 31.01.2022, the Illaqa Magistrate/trial Court was directed to record the statements of the parties with regard to the genuineness and validity of the compromise.

In compliance thereof, the Additional Chief Judicial Magistrate Kurukshetra has submitted its report accompanied with statements of parties and Investigating Officer, authority letter Annexure-A in the report and other documents, vide letter dated 22.02.2022 which indicates that the parties appeared before the Magistrate and got recorded their respective statements with regard to the validity of the compromise. As per the report, the compromise arrived at between the parties is genuine and without any pressure or coercion from any corner. Relevant extract of the said report is reproduced as under:-

“Further, in compliance of order dated 31.01.2022 passed by Hon'ble Punjab and Haryana High Court in CRM-M-30506-2021, Talwinder Singh son of Pritam Singh (Respondent No.2 before Hon'ble High Court), Love Kumar Goyal (Petitioner No. 1 before Hon'ble High Court) and Smt. Sunita Rani wife of Love Kumar, attorney holder/mother of Hitesh Goyal (petitioner No. 2 before Hon'ble High Court) appeared before the Court on 10.02.2022 and in compliance of above orders of Hon'ble High Court, statements of both the parties have been recorded.

Accused Love Kumar Goyal has stated that with the intervention of several respectables, he has compromised the matter amicably with the complainant. The terms of settlement is recorded in affidavit Annexure-P2, copy of which has already been submitted before the Hon'ble High Court as Annexure-P2. Further Sunita Rani wife of Love Kumar and authorized person/mother of petitioner No. 2 Hitesh Goyal also suffered a statement that her son Hitesh Goyal is

residing abroad and his present address is 134 Allenby Road, Southall, Middle Sex, UB1 2HL, United Kingdom and her son has authorized her to make statement in the Court vide authority letter, copy of which has been placed on record as 'Annexure-A". She further submitted that they have compromised the matter with the complainant and in furtherance of the said compromise/settlement, the said Talwinder Singh duly sworn his affidavit dated 19.06.2021, copy of which is placed on record as Annexure-12. Copies of their Aadhar Card are also obtained.

On the other hand, complainant Talwinder has also suffered a statement in writing that he has compromised the matter with accused Love Kumar Goyal and his son Hitesh Goyal voluntarily and out of his free will without any coercion or undue influence vide Compromise, which is in the shape of affidavit dated 19.06.2021 and he has no objection if the FIR in question is ordered to be quashed qua the above named accused persons. Identity of complainant Talwinder Singh is verified. Copy of his Aadhar Card is also obtained. Complainant is identified by his counsel namely Sh. D.S. Bura, Advocate.

In view of the statement of the parties, this court is satisfied that parties have voluntarily entered into the compromise, which is in the interest of the parties and would bring the harmony and peace between the parties. The said compromise/settlement is genuine and is not result of any pressure or coercion in any manner.”

A perusal of the said report would show that statements of all the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise was entered into voluntarily and without any pressure.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

Learned State counsel does not raise any serious dispute regarding quashing of aforesaid FIR in question.

I have heard the learned counsel for the parties and have perused the file.

In the light of the judgments rendered by the Hon'ble Apex Court in the cases of *Shakuntala Sawhney Vs. Kaushalya Sawhney, (1979) 3 SCR 639* and *Gian Singh Versus State of Punjab and another. 2012(4) RCR (Criminal) 543* and also considering the entire facts, affidavits dated 19.06.2021 & 24.06.2021, the statements of the parties recorded before the Illaqa Magistrate / Trial Court and also the report dated 22.02.2022 submitted by Additional Chief Judicial Magistrate Kurukshetra; since the parties have arrived at a compromise by amicably settling their disputes and have decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

It is pertinent to mention here that even otherwise, offences punishable under Sections 406 and 420 IPC are compoundable under the provisions of Section 320 Cr.P.C.

Further, in the light of the above mentioned judicial precedents, when the parties have entered into a compromise, then continuation of the proceedings would be mere an abuse of process of the Court.

In order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, I am of the considered view that it would be in fitness of things to quash the proceedings on the basis of compromise and by quashing the FIR while accepting the prayer of the petitioners, would be securing the ends of justice.

Accordingly, this petition is allowed. FIR No.629 dated 19.11.2020, under Sections 406 and 420 of Indian Penal Code registered at Police Station Sadar Thanesar (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua the petitioners. However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the **“Poor Patients Welfare Fund, PGIMER, Chandigarh”** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

All pending application(s), if any, shall stand disposed of.

20.02.2023

Amandeep

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No