

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

(277)

CRM-M-37352-2022

Date of Decision :-11.07.2023

Bhoop Singh and others**...Petitioners****Versus****State of Haryana and another****...Respondents*****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: None for the petitioners.

Mr. Surender Singh, Additional Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No. 73 dated 24.02.2020 registered under Sections 406, 420 IPC at Police Station Naraingarh, District Ambala and all other subsequent proceedings arising therefrom, on the basis of the compromise dated 12.07.2022 (Annexure P-2), which has been entered into between the parties.

2. On 23.08.2022, a Coordinate Bench of this Court had passed the following order:-

“The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of FIR No.73 dated 24.02.2020 registered under Sections 406, 420 IPC at Police Station Naraingarh, District Ambala and all consequential proceedings arising therefrom on the basis of compromise dated 12.07.2022 (Annexure P-2).

Notice of motion.

On the asking of the Court, Mr. Tanuj Sharma, Assistant Advocate General, Haryana, has accepted notice on behalf of respondent No.1-State.

At this stage, Mr. Mohan Singh Rana, Advocate, has appeared and accepted notice on behalf of respondent No.2 and filed his power of attorney, which is taken on record. Office to tag the same at appropriate place.

Learned counsel for respondent No.2 admits the factum of compromise.

Prior to recording of statements, petitioners are directed to deposit the amount of ₹10,000/- with the District Legal Services Authority, Ambala, towards cost of proceedings. Thereafter, petitioners and private respondent shall appear before the trial Court/Illaq Magistrate within 15 days from today for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in the 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. Current stage of the case. List on 1.11.2022.”*

3. A report dated 24.02.2023 has come from Judicial Magistrate First Class-cum-Civil Judge (Junior Division), UID Code No. HR0410, Naraingarh addressed to the Registrar General of this Court along with the statement of the accused-petitioners 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 none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. The relevant portion of the report is as under:-

“1. As per FIR No. 73 dated 24.02.2020 and statement of complainant as well as joint statement of accused, there are three accused namely, Bhoop Singh, Rohtas and Vikram in the present FIR.

2. As per the joint statement of accused, none of the accused has been declared as proclaimed offender in any case.

3. It is further submitted that after recording the statement of the parties, this Court is of the considered view that the compromise has been effected between the parties by their free will, in sound state of mind and without any pressure or coercion or undue influence. Compromise is genuine and voluntarily. .

4. As per the joint statement of accused, no other criminal case is pending against them except the present case.

5. The case is under investigation and final report is yet to be filed before the court.”

4. 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.

5. Learned State counsel has also not raised any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise.

6. 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 is a proclaimed offender and there are no other criminal cases against the accused-petitioners, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise dated 12.07.2022 (Annexure P-2).

7. Thus, FIR No. 73 dated 24.02.2020 registered under Sections 406, 420 IPC at Police Station Naraingarh, District Ambala and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

8. The above order, quashing of the FIR, will be subject to the payment of ₹10,000/- as cost to be deposited with the Institute for the Blinds, Sector 26, near Homeopathic Medical College and Hospital, Chandigarh, by the petitioners.

July 11, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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