

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

(274)

CRM-M-49740-2021

Date of Decision :-12.07.2023

Sunil**...Petitioner****Versus****State of Haryana and another****...Respondents*****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. Mohak Arora, Advocate for the petitioner.

Mr. Surender Singh, Additional Advocate General, Haryana.

Mr. Suresh Kumar Kaushik, Advocate for
Mr. Dharamvir Sharma, Advocate for respondent No. 2.

Harsimran Singh Sethi, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No. 276 dated 18.08.2018 registered under Sections 147, 149, 323, 447, 448, 452, 506 and 511 of the IPC at Police Station Khedki Daula, District Gurugram and all other subsequent proceedings arising therefrom, on the basis of the compromise dated (Annexure P-2), which has been entered into between the parties.

2. On 29.11.2021, this Court had passed the following order:-

*“Present petition has been filed for quashing of
FIR No. 276 dated 18.08.2018 registered under Sections
147, 149, 323, 447 448, 452, 506 and 511 of the IPC at
Police Station Khedki Daula, District Gurugram, on the
basis of compromise entered into between the parties.*

Learned counsel for the petitioner argues that in

order to live peacefully, parties have entered into compromise in March, 2020 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of respondent No. 1.

Mr. Arun Sharma, Advocate, who is also present in the Court, accepts notice on behalf of respondent No.2. He admits the factum of the compromise entered into between the parties and raises no objection, in case the FIR in question is quashed on the basis of the said compromise.

Adjourned to 25.01.2022.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement on 14.12.2021 by moving appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in the FIR,*
- 2. Whether any accused is a 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 FIR or not, and*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainants as well as accused are party to the compromise in question.*

The question of imposition of cost for wasting valuable time of police as well as the Court will be assessed at the time of final hearing of present petition, in case the FIR is to be quashed.”

3. A report dated 17.06.2023 appended as (Annexure-B) has come from Judicial Magistrate Ist Class, Gurugram addressed to the Registrar General of this Court along with the statement 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.

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 (Annexure P-2).

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 the accused is not a proclaimed offender and there are no other criminal cases against the accused-petitioner, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

7. Thus, FIR No. 276 dated 18.08.2018 registered under Sections 147, 149, 323, 447, 448, 452, 506 and 511 of the IPC at Police Station

Khedki Daula, District Gurugram and all other subsequent proceedings

arising therefrom are quashed qua the petitioner on the basis of compromise entered into between the parties.

8. This 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 petitioner.

July 12, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No