

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

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**CRM-M-52369-2022
Date of decision: 14.02.2023**

Hardeep Singh Jaggi and anotherPetitioners

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Vishal Garg Narwana, Advocate
Mr. Rajat Sheokand, Advocate,
Mr. Vazir Singh Mor, Advocate
Mr. Karamveer Saini, Advocate and
Mr. Arshdeep Advocate
for the petitioners.

Mr. Chetan Sharma, AAG, Haryana
for respondent No.1-State.

Mr. P.S. Ahluwalia, Advocate
for respondents No.2 to 11, 14, 15, 17 and 18.

Mr. Jaivir Singh, Advocate for
Mr. Vipul Joshi, Advocate
for respondent No.12.

None for respondents No.13 and 16.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are seeking quashing of FIR No.80 dated 03.06.2021 (Annexure P-1) under Sections 120-B, 148, 149, 150, 427, 447 and 506 of the IPC (Sections 380 and 395 of the IPC added lateron) registered at Police Station Barara, District Ambala on the basis of compromise effected between the parties vide compromise Annexure P-2 dated 01.09.2021.

Learned senior counsel for the petitioners submits that it was on account of some misguided suspicion and misunderstanding, the

petitioners were challaned, however, subsequent the misunderstanding qua both the petitioners was removed leading to compromise (Annexure P-2) dated 01.09.2021.

Learned counsel appearing for the complainant/private respondents do not dispute the submissions made by the counsel opposite. They also do not oppose the prayer made for quashing of the FIR in question qua the petitioners.

Learned counsel for the parties further submit that in compliance of order dated 14.11.2022, both the parties had got their respective statements recorded before the learned Judicial Magistrate 1st Class, Ambala with respect to the compromise arrived at between them.

Report dated 13.12.2022 has since been received from learned Judicial Magistrate, Ist Class, Ambala, in pursuance of the directions of this Court. As per the report, compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will. The Trial Court has annexed the statements of the parties in original, alongwith its report.

Learned State counsel on instructions submits that no doubt, the matter stands compromised between the parties, however, other than the petitioners there were some other accused who too had participated in the crime in question and qua whom no compromise had been effected between the parties. In support of his submissions, learned counsel for the State has drawn the attention of this Court to the allegations levelled in the FIR. He has submitted that it was categorically alleged therein that it had come to the knowledge of the complainants that at the instance of petitioner No.1, accused Monu

Rana along with other persons had attempted to forcibly get the shops of the complainant vacated.

On a pointed query put to the learned senior counsel for the petitioners as to how the FIR in question could be partially quashed qua the petitioners to the exclusion of other accused particularly Monu Rana who had been named in the FIR, he asserted that a perusal of the allegations levelled in the FIR clearly revealed that a mere suspicion had been raised by the complainants that they had come to know that petitioner No.1 had sought help of accused Monu Rana and others to get their shops vacated. Learned senior counsel argued that nowhere in the FIR it had been alleged that petitioner No.1 was present when accused Monu Rana and others went to the spot for getting the shops vacated. He further submits that petitioner No.2 was not even named in the FIR in question or any overt act attributed to him. It was thus urged that the case of the petitioners was clearly distinguishable from that of accused Monu Rana and others with whom no compromise had been effected.

I have heard learned counsel and perused the relevant material on record.

A perusal of the material on record including the allegations levelled in the FIR in question reveal that no overt act has been attributed qua both the petitioners. As per the allegations levelled it was accused Monu Rana who along with some other persons went to the shops of the complainants and extended threats of dire consequences in case they failed to vacate the shops in question. This Court thus concurs with the submissions made by learned counsel for

the parties, and which fact has not been disputed by the learned State counsel as well, that the case of the petitioners is clearly distinguishable from that of accused Monu Rana and others as admittedly neither their presence has been shown at the time of alleged occurrence nor any overt act attributed to them.

Thus, in view of the report of the learned Judicial Magistrate, 1st Class, Ambala and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed qua only both the petitioners i.e. Hardeep Singh Jaggi and Sarabjot Singh.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

14.02.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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