

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

(288)

CRM-M-51945-2022

Date of Decision:- 04.12.2023

Meena Kumari and another**...Petitioners****VERSUS****State of Haryana and another****...Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. D. Hasija, Advocate
for the petitioners (through the medium of video conferencing),
assisted by Mr. Kushal Kumar, Advocate, who is physically
present before this Court.

Mr. Ramender Singh Chauhan, AAG, Haryana
for State-respondent No.1.

SUVIR SEHGAL, J. (Oral)

1. Ms. Shanika Khurmi, Advocate for Mr. Mohak Arora, Advocate has put in appearance on behalf of complainant-respondent No.2 and has filed Vakalatnama, which is taken on record.
2. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.147 dated 10.03.2022, registered for offences under Sections 420, 406 and 120-B, IPC, at Police Station Ballabhgarh City, District Faridabad, Annexure P-1, on the basis of settlement agreement dated 25.08.2022, Annexure P-4, arrived at before the Mediation and Conciliation Centre of this Court.
3. Counsel for the petitioners submits that the FIR, Annexure P-1, is an outcome of dispute over a sale agreement between the parties, which has been compromised by settlement agreement dated 25.08.2022, Annexure P-4. He submits that the parties have appeared before the Area Magistrate in support of the settlement.

4. Upon instructions received from ASI, Manoj Kumar, State counsel submits that challan has not been presented.
5. Counsel representing complainant-respondent No.2 has admitted the factum of settlement and she does not have any objection in case the criminal proceedings are set aside.
6. Heard counsel for the parties.
7. Pursuant to order dated 11.11.2022 passed by this Court, report has been received from the learned Judicial Magistrate, relevant extract of which is as under:-

“Vide order dated 11.11.2022, passed by the Hon'ble High Court, the parties in the present case were directed to appear before the trial Court for recording of their statements and trial Court was directed to record the statements of the parties regarding compromise. Trial Court was further directed to send a report regarding the authenticity and genuineness of compromise on or before the date fixed and was directed to furnish the following information :-

- (i) Number of person arrayed as accused in the FIR;*
- (ii) Whether any accused is proclaimed offender?;*
- (iii) Stage of the trial/proceedings.*
- (iv) Whether the compromise is genuine, voluntary and without any coercion or undue influence?*

On 18.01.2023, complainant Seema Garg appeared before the Court. Accused Meena Kumari and Subhash Chand Gupta also appeared for recording the statement of compromise. The nature and consequence of the statements being recorded by both the parties was explained to them and after being satisfied that the statements were being made voluntarily, statements of the concerned parties were recorded. Complainant Seema Garg is duly identified by Investigating Officer SI Devinder Kumar No. 536 EOW, Ballabgarh Zone, Faridabad. Accused Meena Kumari and Subhash Chand Gupta are also identified by their counsel Sh. D. Hasija, Advocate. There are only two persons i.e. Meena Kumari and Sbhas (sic Subhash) Chand Gupta arrayed as accused in the FIR. There is only one complainant Seema Garg and in the present case, accused persons have joined the investigation which is still pending and challan has not been filed till yet.

Statement of Investigating Officer is also recorded and report has been submitted by the Investigating Officer SI Devinder Singh, in which it has been mentioned that accused is not proclaimed offender in the present FIR. It is further stated that accused in the present case are not involved in any other case.

In view of the statements of the interested parties, the undersigned is satisfied that they have compromised the matter amongst themselves. (sic Compromise) is without any coercion or undue influence and that the compromise has been genuinely and voluntarily arrived at between them.”

8. In view of the report given by the learned Magistrate and the judgment of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and a Full Bench of this Court in ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.
9. Accordingly, the petition is allowed. FIR No.147 dated 10.03.2022, registered for offences under Sections 420, 406 and 120-B, IPC, at Police Station Ballabhgarh City, District Faridabad, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)

JUDGE

04.12.2023

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No