

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

CRM-M-49502-2023
DATE OF DECISION:-18.12.2023

Vishwas Sharma @ Vishwas

...Petitioner.

vs.

State of Haryana and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vishal Yadav, Advocate,
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

Mr. Sunny Tyagi, Advocate
for respondent No.2.

HARKESH MANUJA, J. (Oral)

1. By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.80 dated 02.06.2023, under Sections 406, 420 and 506 IPC, registered at Police Station Bhupani, District Faridabad (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 29.08.2023 (Annexure P-2).

2. As per the allegations levelled in the FIR, the petitioner along with his co-accused cheated the complainant and forcibly occupied his plot. Though, as per FIR, there were two accused including present petitioner, however, only one accused (i.e. present petitioner) has approached this Court.

3. In pursuance of order dated 03.10.2023 passed by this Court,

whereby the parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 07.11.2023 has been received from the concerned court, stating that the compromise appears to be genuine and has been reached voluntarily, without any pressure or undue influence between complainant-Dhupan Manjhi and accused-Vishwas Sharma and they have made their statements voluntarily and without any threat, inducement, coercion or undue influence. The compromise is genuine and voluntary. Petitioner-accused has not been declared as proclaimed offender.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties. Moreover, the dispute primarily is civil in nature arising out of sale purchase of property transaction.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the Trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of***

Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.

6. Further, learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another***, passed in CRM-M-23739- 2010 decided on 27.04.2011, ***Rajinder Singh Vs. State of Punjab & another***, passed in CRM-M- 37395-2016 decided on 16.05.2017 and ***Vimal Kalra & others Vs. State of Punjab & another***, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

7. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.80 dated 02.06.2023, under Sections 406, 420 and 506 IPC, registered at Police Station Bhupani, District Faridabad (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

8. Accordingly, petition stands allowed subject to payment of costs of Rs.5,000/- to be deposited by the petitioner with the Punjab and Haryana High Court Employees Welfare Association having Account No.37167209613 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from the date of receipt of certified copy of this order.

18.12.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No