



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

280

CRM-M- 1647-2023 (O&M)

Date of Decision:16.05.2024

AMIT NAIN AND OTHERS

...Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jasvinder Singh Yadav, Advocate for
Mr. Ramnish Puri, Advocate
for the petitioners.

Mr. Vikram Singh, AAG, Haryana

Mr. Amit Khatri, Advocate
for respondents No.2 and 3.

MAHABIR SINGH SINDHU, J.(ORAL)

Present petition has been filed under Section 482 Cr.P.C.
praying for quashing of FIR No. 65 dated 28.03.2022 (P1), under Sections
387 & 506 read with Section 34 of the Indian Penal Code, 1860 (for short,
'the IPC'), registered at Police Station, Mohana, District Sonapat along with
all consequential proceedings arising therefrom on the basis of compromise
dated 02/04.01.2023 (P2 & P3) entered into between the parties i.e.
petitioners as well as respondents No.2 and 3.

2. Allegations are that petitioners demanded ransom of
Rs.1,00,000/- from the wife of the complainant and also threatened to kill
both of them.



3. The co-ordinate Bench, while issuing notice of motion, on 20.03.2023, passed the following order:-

“The petitioners have filed the present petition seeking quashing of FIR No.65 dated 28.03.2022 under Sections 387, 506, 34 IPC registered at Police Station Mohana, District Sonipat and all the consequential proceedings arising therefrom on the basis of the compromise (Annexures P-2 and P-3).

Learned counsel for the petitioners has submitted that the petitioners have joined the investigation and the investigation is also complete and challan is to be presented. He has submitted that with the interventions of the respectables, the parties have resolved all the outstanding issues and decided not to pursue the proceedings in the FIR.

Notice of motion.

Mr. B.S. Virk, Deputy Advocate General, Haryana accepts notice on behalf of respondent No.1 and Mr. Amit Khari, Advocate, accepts notice on behalf of respondents No.2 and 3.

Learned counsel for respondents No.2 and 3 has endorsed the contention raised by learned counsel for the petitioner and has not denied the factum of compromise effected between the parties.

Adjourned to 12.07.2023.

Let the State file status report.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 12.04.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It shall also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.

The Illaqa/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court”



4. In pursuance of the aforesaid order, the parties did not appear before learned trial Court for recording their statements and on the request of learned counsel for the parties, one more opportunity was granted to the petitioners by this Court and the following order was passed on 12.12.2023 by this Court:

“Learned counsel for the petitioner prays for one more opportunity to comply with previous order dated 20.03.2023 passed by a Coordinate Bench of this Court in terms of recording of statements of both the parties.

Prayer is accepted.

Accordingly, let parties appear before the Court of learned Illaqa Magistrate/trial Court on or before 15.01.2024 for recording their statement(s) with reference to the compromise entered into between them.

Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing in terms of order dated 20.03.2023.

Posted for 12.02.2024 for further consideration.”

5. In terms of aforesaid order, the statements of the petitioners as well as respondent No.2 were recorded by learned Additional Chief Judicial Magistrate, Sonipat, and submitted a report dated 11.07.2023, the operative part of the same reads as under:-

“(i) In the present case complainant Sunil Kumar appeared before the Court of undersigned on 11.07.2023 and got recorded his separate statement. Statement of complainant is annexed herewith as Annexure-I(original).

As per statement of complainant Sunil Kumar, he has compromised the matter with accused namely Amit Nain, Ankit and Rahul without any pressure from any quarter. He has no objection if the FIR No. 65 dated 28.03.2022 under Sections 387, 506, 34 of IPC, PS Mohana, Sonapat, is quashed against the above accused persons. In the statement dated 11.07.2023 the complainant has also been identified by Sh. Ajit Kumar, Advocate. However, another victim namely Pinki wife



of Sunil Kumar did not appear, as it was stated by Sunil Kumar that she cannot come for her statement as she is in advanced stage of pregnancy.

In the similar manner, accused Amit Nain, Ankit and Rahul identified by their counsel Sh. Bhopal Singh, Advocate suffered a statement on 11.07.2023, that they have compromised the matter with complainant Sunil Kumar without any pressure from any quarter and FIR No. 65 dated 28.03.2022 under Sections 387, 506, 34 of IPC, PS Mohana, Sonapat, may be quashed. The statements of accused Amit Nain, Ankit and Rahul is annexed herewith as Annexure-II to Annexure-IV(original).

As per the statement suffered by complainant as well as accused, the compromise it stated to be voluntarily and without any threat or pressure.

(ii) The I.O. of the present case appeared and suffered a statement, which is annexed herewith as Annexure-V (original), to the effect that the present FIR has been registered against three persons namely Amit Nain, Ankit and Rahul and there is no other accused in the present FIR. No accused has been declared as proclaimed offender in the present FIR and Sunil Kumar is the only complainant and Pinki is the only victim in the present FIR.

(iii) Copy of challan has been supplied to both accused and case is at the stage of charge framing.”

6. Learned counsel for the petitioners submits that the matter has been compromised between the parties i.e. petitioners as well as respondents No.2 and 3 and to this effect, separate statements were got recorded by learned trial Court on 11.07.2023.

7. On the other hand, learned State Counsel, has opposed the prayer made by learned counsel for the petitioners on the ground that the victim did not appear before learned trial Court for recording her statement. Further more, the petitioners are hardcore criminals as numerous cases have been registered against them and the compromise does not seem to be genuine.



8. Learned counsel for respondents No. 2 and 3 does not dispute the factum of compromise, arrived at between the parties i.e. petitioners as well as respondent No.2 & 3.

9. I have heard learned counsel for the parties and gone through the documents, annexed with the paper-book.

10. As per reply dated 11.07.2023, filed by way of an affidavit of Assistant Commissioner of Police, Gohana, it transpires that petitioners are facing numerous cases, and para 7 of the affidavit (preliminary objections) reads as under:-

“7. That as per available record, following other cases have also been found registered against all the petitioners:-

Accused Amit @ Mita

- i. FIR No. 279 dated 20.04.2014, under Sections 342/452/307/365/511/34 IPC, Police Station Model Town, Panipat.
- ii. FIR No. 491 dated 22.12.2015, under Section 25/54/59 Arms Act, Police Station City, Gohana.
- iii) FIR No. 39 dated 23.04.2016, under Sections 323/325/341/506/34 IPC, Police Station Mohana, Sonipat.

Accused Ankit

- i) FIR No. 39 dated 23.04.2016, under Sections 323/325/341/506/34 IPC, Police Station Mohana, Sonipat.

Accused Rahul

- i) FIR No. 156 dated 16.12.2018, under Sections 148/149/323/324/341/427/506 IPC, Police Station Mohana, Sonipat.
- ii) FIR No. 39 dated 23.04.2016, under Sections 323/325/341/506/34 IPC, Police Station Mohana, Sonipat.”



11. Although learned counsel for the complainant has not opposed the factum of compromise, but victim-Pinki (respondent No.3) did not come forward for recording her statement before learned Chief Judicial Magistrate with regard to the compromise.
12. In view of the above, this Court is left with no other option except to discard the compromise and dismiss the petition.
13. Ordered accordingly.
14. Pending application(s), if any, shall also stand disposed off.

(MAHABIR SINGH SINDHU)
JUDGE

16.05.2024
dinesh

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No