

267 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-2465-2024 (O&M)

Date of Decision: 07.03.2024

PRIMAL KUMAR AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the private parties.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 302 dated 29.05.2023 registered under Sections 120-B, 406, 420 of Indian Penal Code at Police Station City Tohana, District Fatehabad and all subsequent proceedings arising therefrom in view of the compromise dated 08.01.2024 (Annexure P-2).

2. The following order was passed on 18.01.2024:

“The petitioners have been filed the present petition seeking quashing of FIR No.302 dated 29.05.2023, under Sections 120-B, 406, 420 of IPC, registered at Police Station City Tohana, District Fatehabad and all other proceedings arising therefrom on the basis of the compromise dated 08.01.2024 (Annexure P-2).

Notice of motion.

On asking of the Court, Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of respondent No.1 and Mr. Pankaj K. Kabhar, Advocate, accepts notice on behalf of respondent No.2 and filed his vakalatnama, which is taken on record.

Learned counsel for respondent No.2 has not denied the factum of compromise effected between the parties.

Adjourned to 07.03.2024.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 29.01.2024 or any other date, as the Court below may decide or fix, for recording their statements, who shall record their respective with statements 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 would also be verified that besides the accused (petitioners) 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 Magistrate/Duty Magistrate shall send his report through learned Sessions Judge concerned on or before the date fixed before this Court.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.
4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 302 dated 29.05.2023 registered under Sections 120-B, 406, 420 of Indian Penal Code at Police Station City Tohana, District Fatehabad and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

(HARPREET SINGH BRAR)

JUDGE

07.03.2024

Ajay Goswami