

CRM-M-3673-2024

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-3673-2024 (O&M)

Date of Decision: 28.02.2024

GURMAKH SINGH AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rohit Kaushik, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Ankur Goyat, Advocate
for respondents No. 2 and 3.

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. 58 dated 25.01.2022 registered under Sections 120-B/406/420 of Indian Penal Code at Police Station Mahesh Nagar, Ambala and all subsequent proceedings arising therefrom in view of the compromise 13.06.2023 (Annexure P-2).

2. The following order was passed on 24.01.2024:

“The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 58 dated 25.01.2022 under Sections 120-B, 406, 420 of Indian Penal Code registered at Police Station Mahesh Nagar, Ambala (Annexure P-1) on the basis of compromise dated 13.06.2023 (Annexure P-2).

Learned counsel for the petitioner inter alia contends that the petitioner has impleaded Sanjay son of Nasib Singh as respondent No. 3 in view of order passed by this Court on 15.01.2024 in CRM-M-34534-2023. Respondent No. 3 is presently residing in Serbia, as such he is unable to appear before the learned trial Court/Illaq Magistrate to record his statement in support of the

compromise and he has sent a communication (Annexure P-5) to his father with regard to his No Objection in case the FIR (supra) is quashed on the basis of compromise.

Keeping in view the facts and circumstances of the case, father of respondent No. 3 namely Nasib Singh is allowed to depose on behalf of respondent No. 3 in support of the compromise.

Notice of motion.

At this stage, on the asking of the Court Ms. Geeta Sharma, DAG Haryana accepts notice on behalf of respondent No.1-State and Mr. Ankur Goyat, Advocate accepts notice on behalf of respondents No. 2 and 3 and files memo of appearance and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

The parties are directed to appear before the learned trial Court/Illaqa Magistrate within two weeks or any other date convenient to concerned Court to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the petitioners on or before the date fixed i.e. 28.02.2024.

A copy of the order be sent to the learned trial Court/Illaqa Magistrate through fax for compliance.”

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. The report further reveals that two of the accused persons have not appeared before the learned trial Court/Illaqa Magistrate for getting their statements recorded in support of the compromise. Learned counsel for the respondents No. 2 and 3 submits that for quashing of the FIR on the basis of

compromise, the consent of the complainant is necessary and he has no objection, if the FIR(supra) is quashed as the parties have entered into a genuine compromise, irrespective of the fact that two of the accused persons have not appeared before the trial Court/Illaq Magistrate for getting their statements recorded in support of the compromise.

4. This Court finds force in the arguments advance by learned counsel for respondents No. 2 and 3 and 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. 58 dated 25.01.2022 registered under Sections 120-B/406/420 of Indian Penal Code at Police Station Mahesh Nagar, Ambala and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

28.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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