



216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7889-2024 (O&M)

Date of decision: 05.07.2024

GAURAV JAIN AND ANOTHER

...PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sourabh Sabherwal, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Vivek Dahiya, Advocate
for respondent No. 2.

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.0236, dated 12.12.2021 registered under Sections 120-B, 313, 323, 406, 498-A and 506 of Indian Penal Code, 1860 at Police Station Kalka, District Panchkula along with all consequential proceedings arising therefrom, on the basis of compromise/settlement agreement dated 08.11.2023 (Annexure P-2) arrived at between the parties.

2. The following order was passed on 26.02.2024:

"This petition has been filed for quashing of FIR No.0236, dated 12.12.2021 registered under Sections 120-B, 313, 323, 406, 498-A and 506 of IPC, 1860 at Police Station Kalka, District Panchkula along with all consequential proceedings arising therefrom, on the basis of compromise/settlement agreement dated 08.11.2023 (Annexure P-2) arrived at between the parties.

Counsel for the petitioner has mentioned in memo of parties of the petition that the petitioners have not been declared as proclaimed persons. Notice of motion. Mr. Arjun Lakhanpal, Addl. A.G. Haryana accepts notice on behalf of respondent No.1-State and Mr. Vivek Dahiya, Advocate accepts notice on behalf of respondent



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No.2 and has filed his memorandum of appearance. The same is taken on record. He has admitted the factum of compromise effected between the parties. The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 01.04.2024 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 21.05.2024.”

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. Mr. Vivek Dahiya, Advocate has put in appearance on behalf of respondent No. 2 and filed his *Vakalatnama*. Same is taken on record. Registry is directed to tag the same at the appropriate place.

5. 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.0236, dated 12.12.2021 registered under Sections 120-B, 313, 323, 406, 498-A and 506 of Indian Penal Code, 1860 at Police Station Kalka, District Panchkula and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

July 05, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No