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

CRM-M-15720-2023
Date of Decision: 07.02.2024

NITISH KUMAR **...Petitioner**

Versus

STATE OF HARYANA AND ANOTHER **…Respondents**

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gaurav Singla, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

None for respondent No.2.

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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.0472 dated 24.11.2021 registered under Sections 120-B, 419, 420, 467 and 468 of Indian Penal Code at Police Station Kotwali, District Faridabad and all subsequent proceedings arising therefrom in view of the compromise dated 11.11.2021.

2. The following order was passed on 23.08.2023:-

> *"This petition has been filed under Section 482 of Cr.P.C for quashing of FIR No.0472, dated 24.11.2021 registered under Sections 120-B, 419, 420, 467 and 468 of IPC at Police Station Kotwali Police Station, District Faridabad along with all consequential proceedings arising therefrom, on the basis of a compromise dated 11.11.2021 (Annexure P-6) executed by the parties in pursuance of a compromise.*
>
> *Counsel for the petitioner has mentioned in para No.14 of the petition that the petitioner has not been declared as proclaimed offender.*
>
> *Notice of motion.*
>
> *On the asking of the Court, Mr. Rupinder Singh*

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Jhand, Addl. A.G., Haryana accepts notice on behalf of respondent No.1 and Mr. Manvendra Singh Bishnoi, Advocate accepts notice on behalf of respondent No.2 and has also filed his vakalatnama. The same is taken on record. He has admitted the factum of a compromise being effected between the parties vide Annexure P-6.

The parties and Investigating Officer are directed to appear before the learned Illaqa Magistrate/trial Court on 11.09.2023 for getting their statements recorded with regard to the compromise. 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 havemade statements and whether any accused is absconding/P.O. 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 28.09.2023

Investigating Officer to appear before this Court on the next date of hearing."

3. Reply dated 16.05.2023 filed by way of an affidavit of Monica, HPS, Assistant Commissioner of Police, Crime Against Women, Faridabad on behalf of respondent-State is taken on record.

4. In compliance of the above order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is

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genuine and arrived at without any pressure or coercion from anyone.

5. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in ***Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256 and Jayaraj Singh Rana Vs. State of Gujrat 2012(4) RCR (Crl.) 589, Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466 and Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834*** 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. 0472 dated 24.11.2021 registered under Sections 120-B, 419, 420, 467 and 468 of Indian Penal Code at Police Station Kotwali, District Faridabad and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

(HARPREET SINGH BRAR)
07.02.2024 **JUDGE**
Manisha

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

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