

255 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-192-2021 (O&M)
Date of Decision: 26.02.2024

...Petitioner

STATE OF HARYANA AND ANOTHER

...Respondents

Present: Mr. Navneet Jindal, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Rohit Rattewal, Advocate for
Mr. Ashish Yadav, 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. 643 dated 12.12.2018 registered under Sections 406, 420 and 120-B of Indian Penal Code at Police Station Sector 10 Gurugram Haryana and all subsequent proceedings arising therefrom in view of the compromise.
2. The following order was passed on 12.01.2024:

“Mr. Rohit Rattewal, Advocate for Mr. Ashish Yadav, Advocate has appeared and filed power of attorney on behalf of respondent No. 2 in Court today and the same is taken on record. He admits to the factum of compromise.

Prayer in the present petition is for quashing of FIR No.643 dated 12.12.2018, under Sections 406, 420, 120-B of IPC registered at Police Station Sector 10, Gurugram (Haryana) on the basis of compromise.

In view of compromise between the parties are directed to appear before the trial Court/Illaq Magistrate within two weeks or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial

Court/Illaq 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 party on or before the date fixed i.e. 26.02.2024.

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

3. In compliance of the above 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. Learned counsel for the petitioners submits that in view of the law laid down by Hon’ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589*** and this Court in ***Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256*** and, partial compromise is permissible.

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. 643 dated 12.12.2018 registered under Sections 406, 420 and 120-B of Indian Penal Code at Police Station Sector 10 Gurugram Haryana and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

26.02.2024

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No