

Date of decision: 27.09.2024

VISHAL KUMAR AND OTHERS

...PETITIONERS

V/S

...RESPONDENTS

ANJU BALA

...PETITIONER

V/S

...RESPONDENTS

Present: Mr. Manan Bhardwaj, Advocate
for the petitioners in CRM-M-21687-2024.

Mr. Rajesh Gupta, Advocate &
Ms. Manjula Gupta, Advocate
for the petitioner in CRM-M-33615-2024.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Tejas Bansal, Advocate
for respondent No.2 in CRM-M-21687-2024.

HARPREET SINGH BRAR, J. (ORAL)

1. This order of mine shall dispose of above mentioned petitions as both are arising out of the same FIR. For the sake of brevity, facts are borrowed from ***CRM-M-21687-2024*** titled as ***Vishal Kumar and others v. State of Haryana and another.***

2. These petitions have been filed under Section 482 Cr.P.C. seeking



quashing of FIR No.268 dated 22.11.2023 under Sections 323, 406, 498-A, 506 of IPC (Section 34 of IPC added later on) registered at Police Station Sector 9, Ambala City, District Ambala along with all subsequent proceedings arising therefrom on the basis of compromise dated 27.02.2024 (Annexure P-2).

3. The following order was passed on 06.05.2024 :-

“This petition has been filed for quashing of FIR No.268, dated 22.11.2023 registered under Sections 323, 406, 498-A and 506 of IPC at Police Station Sector-9, Ambala City District Ambala along with all consequential proceedings arising therefrom, on the basis of compromise dated 27.02.2024 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners 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. Sanjiv Kumar Aggarwal, Advocate accepts notice on behalf of respondent No.2 and has filed his vakalatnama. 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/ Duty Magistrate/trial Court on 04.06.2024 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 16.07.2024.”

4. Thereafter, on 05.08.2024, the parties were again directed to appear before the jurisdictional/Illaqa Magistrate within a period of two weeks. In compliance of the aforesaid orders i.e. 06.05.2024 and 05.08.2024, 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.

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.268 dated 22.11.2023 under Sections 323, 406, 498-A, 506 of IPC (Section 34 of IPC added later on) registered at Police Station Sector 9, Ambala City, District Ambala and all consequential proceedings arising out of the same are quashed, qua the petitioners in both the cases.

6. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(HARPREET SINGH BRAR)
JUDGE

September 27, 2024
manisha

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