

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

284-1

Date of decision: 30.01.2024

1. CRM-M-23974-2023 (O&M)

ANIL BHALLA AND OTHERS

....Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

2. CRM-M-24874-2023 (O&M)

NARINDER KHILLAN

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Karan Vir Nanda, Advocate
for the petitioners in CRM-M-23974-2023 &
for the respondents No.2 and 3 in CRM-M-24874-2023.

Mr. Surinder Singh, Advocate
for the petitioner in CRM-M-24874-2023 &
for the respondents No.2 & 3 in CRM-M-23974-2023.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. Since both these petitions arise out of the same FIR, besides when the relief(s) claimed therein are also alike, inasmuch as, FIR No.323 dated

17.07.2022, under Sections 120-B, 354, 406, 420, 506 and 509 of IPC, registered at Police Station Sector 5, District Panchkula, along with all the consequential proceedings arising therefrom, on the basis of a compromise(s) dated 08.05.2023 & 09.05.2023 (Annexure P-2), in both petitions, therefore, both the petitions are amenable for being decided through a common verdict.

2. Upon an affirmative response from the learned counsel for the respondents No.2 & 3/complainant *qua* the compromise (Annexure P-2), a Co-ordinate Bench of this Court had, through orders drawn on 11.05.2023 in CRM-M-23974-2023 & 16.05.2023 in CRM-M-24874-2023, upon the instant petitions, directed the parties to appear before the learned trial Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise(s) (Annexure P-2). Moreover, the learned trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

3. Consequent to the making of the directions (*supra*), the parties appeared before the Chief Judicial Magistrate, Panchkula and got their respective statements recorded, thereby authenticating the compromise (Annexure P-2). Accordingly, in compliance of the directions (*supra*) of this Court, a Report bearing No.765 dated 08.08.2023 has been received from the Chief Judicial Magistrate, Panchkula, wherein, a satisfaction has been recorded by the Chief Judicial Magistrate, Panchkula *qua* the compromise (*supra*) being drawn in a genuine and voluntary manner, without any coercion or undue influence.

4. I have heard counsel for the parties and gone through the case file.

5. A Co-ordinate Bench of this Court, in **CRM-M-25669-2020 (O&M)**, titled **“Abhishek Singh & others V/s State of Punjab & others”**, Pronounced on: **07.04.2022**, while granting a similar relief, as craved in the instant petition, has

observed as under:-

“9. The following aspects would be relevant to conclude this petition:-

- a) The accused and the private respondents have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;*
- b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;*
- c) The victim has willingly consented to the nullification of criminal proceedings;*
- d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;*
- e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;*
- f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;*
- g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;*
- h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;*
- i) The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings is justified to secure the ends of justice.”*

6. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioners have been charged, are not grave in nature, as also in view of the law laid down in ***Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052***, the present petition for quashing the FIR (supra) is hereby allowed.

7. Resultantly, FIR No.323 dated 17.07.2022, under Sections 120-B, 354, 406, 420, 506 and 509 of IPC, registered at Police Station Sector 5, District

Panchkula, along with all the consequential proceedings arising therefrom, are hereby quashed, on the basis of the compromise dated 08.05.2023 & 09.05.2023 (Annexure P-2) in both the petitions, subject to the payment of costs of Rs.5,000/- each, to be forthwith deposited in the District Legal Services Authority concerned.

8. All pending miscellaneous application(s) stand disposed of accordingly.

30.01.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No