

CRM-M-28730-2023
Date of decision: 12.03.2024

...PETITIONER

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Aditya Partap Singh, Advocate for
Mr. Vikramjeet Singh, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.165 dated 05.05.2023, under Sections 406 and 420 of the Indian Penal Code, registered at Police Station Mullana, District Ambala, Haryana (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 29.05.2023 (Annexure P-2).

2. The following order was passed on 01.06.2023 :-

“Petitioner (Baljinder Singh) has filed the present petition under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.165 dated 05.05.2023 (Annexure P-1), under Sections 406 and 420 of the Indian Penal Code, registered at Police Station Mullana, District Ambala, Haryana and all the consequential proceedings arising therefrom on the basis of Compromise Deed dated 29.05.2023 (Annexure P-2).

Learned counsel for the petitioner submits that the matter has been amicably compromised between the

parties concerned.

Notice of motion.

At the asking of the Court, Mr. Ram Kumar Singla, Deputy Advocate General, Haryana, who is present in the Court, accepts notice on behalf of respondent No.1/State.

At this stage, Mr. Vikramjeet Singh, Advocate appears and files Vakalatnama on behalf of respondent No.2 in the Court today, which is taken on record, subject to all just exceptions. He admits the factum of compromise arrived at between the parties.

Learned counsel for the petitioner is directed to supply complete copies of paper book to learned counsel for the respondents during the course of the day.

List on 01.08.2023.

In the meanwhile, the parties are directed to appear before trial Court/Illaq Magistrate for recording of their respective statements with regard to the compromise, on or before 06.07.2023 or any other date convenient to the said Court.

The Illaq Magistrate/trial Court is directed to submit a report containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR and those found involved during investigation;*
- (ii) What is the status of the proceedings of the case/FIR;*
- (iii) Whether any accused is proclaimed offender;*
- (iv) Whether the accused persons are involved in any other case or not;*
- (v) Whether all the concerned have signed the compromise deed;*
- (vi) Whether the compromise is genuine, voluntary, and without any coercion or undue influence;*
- (vii) The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

The aforesaid report be ensured to be sent to this Court on or before the date fixed.”

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. 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.165 dated 05.05.2023, under Sections 406 and 420 of the Indian Penal Code, registered at Police Station Mullana, District Ambala, Haryana (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

March 12, 2024
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(HARPREET SINGH BRAR)
JUDGE

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