

**Sr. No.298****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-29586-2024 (O&M)****Date of decision: 12th November 2024****HIMANSHU****.....Petitioner****versus****STATE OF HARYANA AND ANOTHER****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Aakash Tuneja, Advocate
for the petitioner (through VC).

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Sunil Kumar Tandon, Advocate
for respondent No.2 (through VC).

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.213 dated 21.07.2016, under Sections 323, 406, 498-A, 506 read with Section 120-B IPC, 1860, registered at Police Station Barwala, District Hisar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed/Panchayati-Nama dated 06.09.2023 (Annexure P-2), executed between the parties.

2. The parties were directed to appear before the trial Court/Illaq Magistrate to get their statements recorded and report *qua* the genuineness of the compromise was sought from the trial Court/Illaq Magistrate vide order dated 30.07.2024.

3. Pursuant to the aforesaid order, the parties have appeared before the Judicial Magistrate Ist Class, Hisar and got their statements recorded. On



the basis of the statements so recorded, the learned Magistrate has submitted report dated 03.09.2024 to the effect that the compromise has been effected between the parties voluntarily and without any threat, pressure or undue influence. The petitioner has not been declared as “Proclaimed Offender” and he is not involved in any other criminal case.

3.1 It has been further reported that as per the statement of the Investigating Officer, on completion of investigation, petitioner/accused-Himanshu was found to be the accused and the remaining three accused namely Seema, Satbir Singh and Deepak were found to be innocent. During the investigation, offence under Section 120-B IPC was deleted.

4. Learned State counsel as well as counsel for respondent No.2 have not disputed the factum of compromise between the parties.

4.1 Learned State counsel, while referring to the status report dated 08.07.2024, filed by way of an affidavit of Sh. Gaurav Sharma, HPS, Deputy Superintendent of Police, Barwala, Hisar, has informed that after the completion of investigation, challan/final report under Section 173 Cr.P.C. was presented and charges were framed. 03 prosecution witnesses have already been examined. However, the remaining prosecution witnesses are yet to be examined. It has been further confirmed that the petitioner is not involved in any other criminal case and he has not been declared as a “Proclaimed Offender”.

5. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

6. Following the principles laid down by the Full Bench judgment of this Court in “Kulwinder Singh and others Versus State of Punjab and



Supreme Court in “Gian Singh Versus State of Punjab and others” (2012) 10 SCC 303, the present petition is allowed and FIR No.213 dated 21.07.2016, under Sections 323, 406, 498-A, 506 read with Section 120-B IPC, 1860, registered at Police Station Barwala, District Hisar (Annexure P-1) and all subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioner.

7. However, the respondent No.2/complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of the compromise deed/Panchayati-Nama dated 06.09.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

12th November 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No