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CRM-M-35268-2023

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133 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-2168-2024 in/and
CRM-M-35268-2023
DATE OF DECISION:-23.01.2024

Suresh Dalal ...Petitioner
vs.

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vishwajeet, Advocate for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

Mr. Deepam Ragav, Advocate for
Mr. Sourabh Bhardwaj, Advocate for respondent No.2.

HARKESH MANUJA, J. (Oral)

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Prayer in this application is for preponing the date of hearing in
the main case.

Notice of the application.

Mr. Chetan Sharma, DAG, Haryana accepts notice on behalf of
respondent-State, whereas, Mr. Deepam Ragav, Advocate for Mr. Sourabh
Bhardwaj, Advocate accepts notice on behalf of respondent No.2 and raise
no objection to the application.

Having heard learned counsel for the parties and gone through the
contents of the application, same is allowed and date of hearing in the main
is preponed from 23.11.2024 to today itself i.e. 23.01.2024 for hearing and
final disposal.

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Main case

1. By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.343, dated 26.09.2018, under Sections 188 and 452 IPC (Section 448 IPC added and 452 IPC deleted), registered at Police Station Division Civil Line Jind, District Jind (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise 04.01.2023 (Annexure P-2).
2. As per the allegations, the petitioner has taken the possession of the house in question illegally.
3. In pursuance of order dated 16.08.2023 passed by this Court, whereby parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 22.09.2023 has been received from the concerned Court, stating that the compromise has been entered into by the parties of their own will and volition and same is genuine, voluntary and without any coercion or undue influence. Petitioner-accused has not been declared as proclaimed person.
4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the

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aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the Trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

6. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.343, dated 26.09.2018, under Sections 188 and 452 IPC (Section 448 IPC added and 452 IPC deleted), registered at Police Station Division Civil Line Jind, District Jind as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.20,000/-, out of which Rs.10,000/- with the PGI Poor Patient Welfare Fund and Rs.10,000/- with Bharat Sewak Samaj, Nehru Bhawan, Sector 24, Chandigarh, within a period of two weeks from the date of receipt of certified copy of this order.

23.01.2024
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No