

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

250

CRM-M-36296-2024 (O&M)
Date of Decision:- 06.09.2024

SHEIKH MOHAMMAD HABIB AND ANOTHER

Versus

....Petitioner(s)

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Sushil Jain, Advocate
for the petitioners.

Mr. Ramender Singh Chauhan, AAG Haryana.

Ms. Archana Chauhan, Advocate
for respondent No.2.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, petitioners seek quashing of FIR (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise/settlement dated 28.04.2023 (Annexure P-2) executed between the parties. Details of the FIR are as follows:

FIR No.	Dated	Sections	Police Station
378	30.08.2020	406 and 420 IPC; (467, 468, 471 and 120-B IPC added later on)	Sector 5, Gurugram

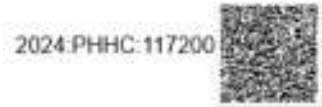


2. With the intervention of respectables and elderly people of the society, the parties have arrived at a settlement vide compromise deed dated 28.04.2023 (Annexure P-2), which is duly signed by them. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The learned Judicial Magistrate First Class, Gurugram vide report dated 22.08.2024 has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure. The petitioners have also deposited the cost of Rs.20,000/- in compliance to the order dated 31.07.2024.

3. Respondent No.2 is represented by his counsel and does not oppose the compromise.

4. In view of the aforesaid report of the learned Judicial Magistrate First Class, Gurugram and in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners/accused persons.

5. In the circumstances, the present petition is allowed. FIR No.378 dated 30.08.2020 under Sections 406 and 420 IPC; (467, 468, 471 and 120-B IPC added later on) registered at Police Station Sector 5,



Gurugram (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioners.

(SANJIV BERRY)
JUDGE

06.09.2024
S.Sharma(syr)

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