



CRM-M-44270-2023

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-44270-2023

Date of Decision : **September 02, 2024**

NAVEEN AND OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Abhinav Aggarwal, Advocate
for the petitioners.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Piyush Aggarwal, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1. The instant petition, as cast under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioners, inasmuch as, quashing of the FIR No.320 dated 14.8.2021, under Sections 420, 406, 506 and 34 of the IPC, registered at P.S. Rania, District Sirsa and all the subsequent proceedings arising therefrom, on the basis of a compromise dated 26.5.2023 (Annexure P-2), as entered into *inter se* the petitioners and respondent No.2/complainant.
2. Upon an affirmative response from the learned counsel for respondent No.2/complainant *qua* the compromise dated 26.5.2023 (Annexure P-2), this Court had, through an order drawn on 12.2.2024, upon



the instant petition, besides issuing notice, directed the parties to appear before the learned trial Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise dated 26.5.2023 (Annexure P-2). Moreover, the 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 Sub Divisional Judicial Magistrate, Ellenabad and got their respective statements recorded, thereby authenticating the compromise dated 26.5.2023 (Annexure P-2). Accordingly, in compliance of the directions (*supra*) of this Court, a Report bearing No.344 dated 29.8.2024 has been received from the Sub Divisional Judicial Magistrate, Ellenabad, wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (*supra*) being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties.

4. Though in the instant petition, all the 12 victims have not been incorporated in the array of the respondents, however, as per compromise Annexure P-2, 11 victims are the signatory of the same, however, the 12th victim has not signed the same but as per the report received from the learned trial Court concerned, it reflects that 12th victim i.e. Kuldeep Singh has also recorded his statement and has given “no objection” in case the instant FIR is quashed.

5. This Court have heard counsel for the parties and gone through the case file.

6. 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.”*



7. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioners/accused have been charged, are not of 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, others Vs. State of Punjab 2007(3) RCR (Criminal) 1052***, the present petition for quashing the FIR (supra) is hereby **allowed**.

8. Resultantly, FIR No.320 dated 14.8.2021, under Sections 420, 406, 506 and 34 of the IPC, registered at P.S. Rania, District Sirsa and all the subsequent proceedings arising therefrom, are, hereby, **quashed** on the basis of a compromise dated 26.5.2023 (Annexure P-2), subject to payment of Rs.5,000/- to be deposited with the District Legal Services Authority concerned.

September 02, 2024
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(KULDEEP TIWARI)
JUDGE

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