

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M No. 43873-2023
Date of Decision: 08.02.2024

Sandeep Garg and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gagan Preet Saini, Advocate for
Mr. Pavan Malik, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Kartik Patial, Advocate for respondents No. 2 and 3.

HARPREET SINGH BRAR, J.(ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 394 dated 12.11.2021 registered under Sections 406 and 420 Indian Penal Code, 1860 at Police Station Khedki Daula, District Gurugram and all subsequent proceedings arising therefrom in view of the compromise dated 27.08.2023.

2. The following order was passed on 02.09.2023:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of case FIR No.394 dated 12.11.2021 under Sections 406 & 420 of Indian Penal Code, 1860 registered at Police Station Khedki Daula, District Gurugram (Annexure P-1), and subsequent proceedings arising therefrom, on the basis of compromise dated 27.08.2023 (Annexure P-5) arrived at between the parties.

Notice of motion.

Mr. Gurbir Singh Dhillon, AAG, Haryana, puts in appearance on behalf of respondent No.1-State.

Mr. Kartik Patial, Advocate has put in appearance on behalf of respondent Nos. 2 & 3 and has filed his power of attorney in Court, which is taken on record.

Learned counsel for the petitioners contends that the parties have compromised the matter and as such, present FIR is liable to be quashed.

Learned counsel for respondent Nos. 2 & 3 has endorsed the averments made by learned counsel for the petitioners and acknowledged the factum of compromise between the parties.

Both the parties are directed to appear before the concerned trial Court/Duty Magistrate for recording their statements on 11.09.2023 or any other date convenient to the trial Court/Duty Magistrate. The statement of Investigating Officer be also recorded on the same day, who would also identify the parties appearing before the Court. The original compromise shall be produced before the trial Court/Duty Magistrate.

The trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing, containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed person?*
- 3. Whether all the accused/petitioners are appearing before the Court?*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 5. Whether the accused persons/petitioners are involved in any other FIR or not?*
- 6. The trial Court/Duty Magistrate is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

A copy of the statements so recorded be also sent along with the report.

Adjourned to 19.10.2023.”

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.

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. 394 dated 12.11.2021 registered under Sections 406 and 420 Indian Penal Code, 1860 at Police Station Khedki Daula, District Gurugram and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

08.02.2024

Rajeev (rvs)

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No