

Sr. No.290
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41921-2019
Date of decision: 03rd April, 2024

NIRMAL SINGH**Petitioner**

versus

STATE OF HARYANA AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Nikhil Chopra, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Rohit Johar, Advocate for
Mr. Sandeep Sharma, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.39 dated 28.03.2019, under Sections 354-D, 451, 120-B IPC, 1860, registered at Police Station Babain, District Kurukshetra, including challan dated 12.04.2019 (Annexure P-2), on the basis of statement of respondent No.2/complainant dated 28.05.2019 (Annexure P-3) and Inquiry Report dated 28.05.2019 (Annexure P-4) arrived at between the parties.

[2] Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2, who is the daughter-in-law of the petitioner, on account of a misunderstanding, which has now been cleared. Even during the investigation conducted by Deputy Superintendent of Police, Thanesar, the complainant/respondent No.2 stated that she does not want to initiate any action against her in-laws. The said fact has also been recorded in the Inquiry Report

complainant died on 01.09.2018 and respondent No.2 lodged the FIR having apprehensions against the petitioner.

[2.1] Learned counsel for the petitioner further contends that as per the joint statement of the parties recorded in the presence of Sarpanch, Gram Panchayat, Anandpur Sahib and as per the factum of compromise recorded in the Inquiry Report (Annexure P-4), the matter has been compromised. Challan has been presented and charges have been framed. Out of total 09 prosecution witnesses, none has been examined. Though the challan has been presented and charges have been framed, however, respondent No.2/complainant does not want to take any action against the petitioner in the present FIR and she has no objection if the same is quashed.

[3] Learned counsel appearing on behalf of respondent No.2/complainant has confirmed the factum of compromise between the parties.

[4] On 30.09.2019, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 06.10.2022, received from the Judicial Magistrate, Ist Class, Shahabad, through the District & Sessions Judge, Kurukshetra, the compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as "Proclaimed Offender" and he is not involved in any other criminal case.

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[6.1] Learned State counsel, while referring to the status report filed by way of affidavit of Sh. Randhir Singh, Deputy Superintendent of Police, Shahabad,

registered under Section 346 IPC at Police Station Sector-5, Panchkula regarding missing of the son of the petitioner. After conclusion of the investigation, untraced report was prepared on 09.01.2019. It is further contended that the untraced report was presented since no foulplay was found during investigation in the said case. He has further confirmed that though the challan has been presented, however, no prosecution witness has been examined.

[7] The parties are related to each other and the compromise between the parties is genuine and voluntarily made. In view of the ratio of the decision of Hon'ble Apex Court in *Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543* and the decision of Hon'ble the Full Bench of this Court in *Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052*, the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the compromise between the parties.

[8] Consequently, the present petition is allowed and FIR No.39 dated 28.03.2019, under Sections 354-D, 451, 120-B IPC, 1860, registered at Police Station Babain, District Kurukshetra, including challan (Annexure P-2) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] 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 compromise are violated.

[10] Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

03rd April, 2024

sim

SIMRANDEEP KAUR
2024.04.18 16:12
I attest to the accuracy and
integrity of this order/judgment.

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No