

CRM-M-41815-2019
Date of decision: 15.04.2024

...PETITIONERS

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.C. Shahpuri, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Aazam Khan, Advocate for
Mr. Pawan Singh, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

The petitioners have filed the present petition seeking quashing of FIR No.401 dated 14.08.2018 under Sections 498-A, 307, 325, 34, 406 and 506 of Indian Penal Code, 1860, registered at Police Station SGM Nagar, District Faridabad (Annexure P-1), and all other subsequent proceedings arising therefrom on the basis of the compromise dated 05.09.2019 (Annexure P-2).

2. The following order was passed on 24.04.2023 :-

“xxx....

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The petitioners have filed the present petition seeking quashing of FIR No.401 dated 14.08.2018 under Sections 498-A, 307, 325, 34, 406 and 506 of the Indian Penal Code, 1860, registered at Police Station SGM Nagar, District Faridabad (Annexure P-1), and all other subsequent proceedings arising therefrom on the basis of the compromise dated 05.09.2019 (Annexure P-2).

Learned counsel for respondent No.2 has not denied the factum of compromise effected between the parties.

Adjourned to 14.08.2023.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 29.05.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioners) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.

The Illaqa Magistrate/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.

Since, the petitioner has sought quashing of the FIR, which includes non-compoundable offences, therefore, the State is directed to file reply and issue shall remain open for arguments, as to whether FIR can be quashed on the basis of compromise, if it includes non-compoundable offences.”

3. Learned counsel for the petitioners *inter alia* contends that Section 307 IPC has been invoked without there being any factual ingredients only on the basis of bald statement. Once *prima facie*, the offence under Section 307 IPC is not made out, the FIR (supra) can be quashed on the basis of compromise. In this regard reliance is placed on the judgment passed by the Hon'ble Supreme Court of India in case of ***The State of Madhya Pradesh vs. Laxmi Narayan and others, 2019 (5) SCC 688.***

4. 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.

5. 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.401 dated 14.08.2018 under Sections 498-A, 307, 325, 34, 406 and 506 of Indian Penal Code, 1860, registered at Police Station SGM Nagar, District Faridabad (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 15, 2024
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(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |