



CRM-M-50182-2024 (O&M)

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241 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50182-2024 (O&M)

Date of Decision: 25.10.2024

VINOD KUMAR AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Supriya Arora, Advocate with
Mr. Deepak Verma, Advocate for the petitioners.
Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Kamal Gupta, Advocate and
Mr. Sanish Girdhar, Advocate for respondent No. 2.

Harpreet Singh Brar J.(Oral)

1. The petitioners have approached this Court seeking quashing of FIR No. 193 dated 26.10.2021 registered under Sections 323, 354, 376, 406, 498-A, 506, 511 and 120-B of Indian Penal Code at Police Station Kalka District Panchkula (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise dated 05.09.2024 (Annexure P-6) having been effected between the parties.

2. The following order was passed on 04.10.2024:

“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion.

At this stage, Ms. Mahima Yashpal, DAG, Haryana, has put in appearance on behalf of respondent No 1 State of Haryana and accepts notice.



Mr. Sanish Girhar, Advocate with Mr. Kamal Gupta, Advocate has filed vakalatnama for respondent No. 2. The same be taken on record.

The parties are directed to get their statements recorded qua the factum of compromise in the following manner:

- (i) The petitioners shall appear before the trial Court/Illaqa Magistrate concerned on 07.10.2024 or any date thereafter as fixed by trial Court/Illaqa Magistrate for recording statement of the petitioners as well as of the complainant qua the factum of compromise. As and when any such appearance is made, the trial Court/Illaqa Magistrate shall do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the trial Court/Illaqa Magistrate to either record the statement of the parties by physical process or by video conferencing as deemed appropriate by the trial Court/Illaqa Magistrate.*
- (ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.*
- (iii) The trial Court/Illaqa Magistrate may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of trial Court/Illaqa Magistrate.*

After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Illaqa Magistrate shall submit its report on the basis



of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion.

The trial Court/Illaq Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

(i) Whether there is any other accused other than the petitioners, arrayed in this petition.

(ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.

(iii) Whether any accused has been declared Proclaimed Offender?

The report be submitted before this Court before the next date of hearing i.e. 25.10.2024.”

3. Learned counsel for the petitioner relies upon a judgment of the Hon'ble Supreme Court in ***Kapil Gupta Vs. State of N.C.T. of Delhi and another, 2022 (4) RCR (Crl.) 497***, to contend that FIR under Section 376 of IPC can be quashed on the basis of compromise. Learned counsel has further relied upon a judgment of this Court in ***Karan Sharma Vs. State of Haryana and another, 2021(1) Law Herald 149*** and contends that once the parties have compromised the matter and decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

4. In compliance of the aforesaid 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. 193 dated 26.10.2021 registered under Sections 323, 354, 376, 406, 498-A, 506, 511 and 120-B of Indian Penal Code at Police Station Kalka District Panchkula (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

25.10.2024
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No