

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

CRM-M-55560-2023 (O&M)

Decided on: 20.03.2024

2024:PHHC: 040557

SUBHASH BADANA @ SUBHASH CHAND AND OTHERS

. . . . Petitioners

Vs.

STATE OF HARYANA AND OTHERS

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present:- Mr. Rakesh Dhiman, Advocate, for the petitioners.

Mr.Randhir Singh, Addl. A.G., Haryana,
for respondent No.1.

Mr.Gautam Diwan, Advocate,
for respondents No.2 to 4.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.163 dated 14.06.2023, under Sections 120-B, 419, 420, 467, 468, 471 & 472 IPC registered at Police Station Bhondsi, Gurugram, District Gurugram (Annexure P1) and all subsequent proceedings arising therefrom on the basis of compromise-cum-memorandum of settlement dated 19.09.2023 (Annexure P-2).

2. This Court vide order dated 06.11.2023 had directed the parties to appear before the trial Court/Area Magistrate to get their statements recorded and the ld. trial Court/Area Magistrate was directed to send its report qua the genuineness of the compromise.

3. Pursuant to the aforesaid order, respondents No.2 & 4 had appeared before ld. JMIC, Sohna on 18.12.2023 and got their statements

recorded. But statement of respondent No.3-Nainika Sharma could not be recorded as she was in abroad at that time. On the basis of the statements so recorded, Id. JMIC had submitted report dated 18.12.2023 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

4. Thereafter, this Court vide order dated 31.01.2024 had directed respondent No.3 to appear before the trial Court to get her statement recorded through video conferencing as permissible under Rules.

5. Pursuant to the aforesaid order, respondent No.3 has appeared before Id. JMIC, Sohna through video conferencing on 20.02.2024 and got her statement recorded. On the basis of the statement so recorded, Id. JMIC has submitted report dated 20.02.2024 to the effect that the compromise has been effected between the parties voluntarily and out of her free will.

6. Learned State counsel as well as counsel for respondent Nos.2 to 4 have not disputed the factum of compromise between the parties.

7. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

8. Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed. F.I.R. No.163 dated 14.06.2023, under Sections 120-B, 419, 420, 467, 468, 471 & 472 IPC registered at Police Station Bhondsi, Gurugram, District Gurugram (Annexure P1) and all subsequent proceedings arising therefrom on the basis of compromise-

memorandum of settlement dated 19.09.2023 (Annexure P-2), are quashed qua the petitioners.

20.03.2024

Vivek

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes
No