

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

281-1

Date of decision: 08.02.2024

1. CRM-M-59473-2023

NARESH KUMAR AND ORS

....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

2. CRM-M-376-2024

GEETA DEVI AND OTHERS

....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. C.S. Singhal, Advocate
for the petitioners in CRM-M-59473-2023.

Mr. Anand Kumar Mourya, Advocate
for respondent No.2 in CRM-M-59473-2023.

Mr. Nirmal Singh, Advocate
for the petitioners in CRM-M-376-2024.

Ms. Sukhveer Kaur, Advocate
for respondent No.2 in CRM-M-376-2024.

Mr. Yuvraj Shandilya, AAG Haryana.

KULDEEP TIWARI. J.(Oral)

1. Since the relief(s) claimed in both these petitions are alike, inasmuch
as, quashing of FIR No.386 dated 26.10.2023, under Sections 406, 420 and 506 of

IPC, registered at Police Station Mulana, District Amabala, and, quashing of FIR No.301 dated 26.08.2022, under Sections 120-B, 406, 420 and 506 of IPC, registered at Police Station Mullana, District Ambala, along with all the consequential proceedings arising therefrom, on the basis of compromise(s) dated 08.11.2023 (Annexure P-2), therefore, both these petitions are amenable for being decided through a common verdict.

2. Upon an affirmative response from the learned counsel for the respondents No.2/complainant *qua* the compromise(s), a Co-ordinate Bench of this Court had, through an order drawn on 28.11.2023 in CRM-M-59473-2023, directed the parties concerned to appear before the learned trial Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise(s) dated 08.11.2023 (Annexure P-2). Moreover, the learned trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

3. Since both the FIRs, are germane of same incidence, the same are sought to be quashed, on the basis of compromise dated 08.11.2023, and the parties appeared before the Judicial Magistrate First Class, Ambala and got their respective statements recorded, thereby authenticating the compromise(s) dated 08.11.2023. Accordingly, in compliance of the directions (supra) of this Court, a Report bearing No.87 dated 02.02.2024, has been received from the Judicial Magistrate First Class, Ambala, wherein, a satisfaction has been recorded by the Judicial Magistrate First Class, Ambala *qua* the compromise (supra) being drawn in a genuine and voluntary manner, without any coercion or undue influence.

4. I have heard counsel for the parties and gone through the case file.

5. A Co-ordinate Bench of this Court, in **CRM-M-25669-2020 (O&M)**,

titled “**Abhishek Singh & others V/s State of Punjab & others**”, Pronounced on: **07.04.2022**, while granting a similar relief, as craved in the instant petition, has observed as under:-

“9. The following aspects would be relevant to conclude this petition:-

- a) The accused and the private respondents have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;*
- b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;*
- c) The victim has willingly consented to the nullification of criminal proceedings;*
- d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;*
- e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;*
- f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;*
- g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;*
- h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;*
- i) The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings is justified to secure the ends of justice.”*

6. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioners have been charged, are not grave in nature, as also in view of the law laid down in ***Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052***, the present petition for quashing the FIR

(supra) is hereby allowed.

7. Resultantly, FIR No.386 dated 26.10.2023, under Sections 406, 420 and 506 of IPC, registered at Police Station Mulana, District Amabala, and, quashing of FIR No.301 dated 26.08.2022, under Sections 120-B, 406, 420 and 506 of IPC, registered at Police Station Mullana, District Ambala, along with all the consequential proceedings arising therefrom, are hereby quashed, on the basis of compromise(s) dated 08.11.2023, *inter se* the parties, in both the petitions, subject to the payment of costs of Rs.5,000/- each, to be forthwith deposited with the District Legal Services Authority concerned.

08.02.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No