

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

279

CRM-M-62824-2023

Date of Decision :April 23, 2024

UMESH GAMBHIR AND OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Jitender K. Sehrawat, Advocate
for the petitioners.

Mr. Yuvraj Shandilya, AAG, Haryana.

Mr. Anshuman Dalal, Advocate,
for respondent No.2.

KULDEEP TIWARI. J.(Oral)

1. The instant petition, as cast under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioners, inasmuch as, quashing of the FIR No.456, dated 19.09.2018, under Sections 120-B, 379, 409, 416 and 418 of the IPC, registered at Police Station Urban Estate, Rohtak, District Rohtak, and all consequent proceedings arising therefrom, on the basis of a compromise/memorandum of Understanding dated 09.12.2023 (Annexure P-2), as entered into *inter se* the petitioners and respondent No.2/complainant.

2. Upon an affirmative response from the learned counsel for respondent No.2 *qua* the compromise (Annexure P-2), this Court, through an order drawn on dated 24.01.2024, upon the instant petition, besides

issuing notice, directed the parties to appear before the learned trial Court/*Illaqa* Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure P-2). Moreover, the learned trial Court/*Illaqa* Magistrate concerned was also directed to send a report in the above regard.

3. Consequent to the making of the directions (*supra*), the parties appeared before the learned Addl. Chief Judicial Magistrate, Rohtak, and got their respective statements recorded, thereby authenticating the compromise/memorandum of Understanding (Annexure P-2). Accordingly, in compliance of the directions (*supra*) of this Court, a report bearing No.220, dated 14.03.2024, has been received from the learned Addl. Chief Judicial Magistrate, Rohtak, wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (*supra*), being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties.

4. Today, learned counsel for the respondent no.2/complainant submits that the compromise(*supra*) which was effected between the parties was conditional one vide which the petitioners party(accused), were also required to withdraw a complaint which is pending before the Deputy Labour Commissioner, Rohtak.

5. He submits that in case the petitioners party do not withdraw that aforesaid complaint, liberty may be granted to respondent no.2 /complainant to get revive the instant petition.

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

7. 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.”

8. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioners/accused

have been charged, are not of 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, others Vs. State of Punjab 2007(3) RCR (Criminal) 1052*, the present petition for quashing the FIR (supra) deserves to be allowed.

9. Resultantly, FIR No.456, dated 19.09.2018, under Sections 120-B, 379, 409, 416 and 418 of the IPC, registered at Police Station Urban Estate, Rohtak, District Rohtak, and all consequent proceedings arising therefrom, on the basis of a compromise/memorandum of understanding (Annexure P-2) is **quashed**, subject to the payment of costs of Rs.5,000/-, to be forthwith deposited with the District Legal Services Authority concerned, to be deposited by the petitioners.

10. However, liberty is granted to respondent no.2/complainant to revive the instant petition, in case the petitioners fail to withdraw the complaint pending before the Deputy Labour Commissioner, Rohtak, as per the conditions of compromise (*supra*).

April 23, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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