

229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65047-2023 (O&M)
Date of decision: 18.04.2024

BITTU

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Navjit Singh, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Ankush Singla, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 43 dated 04.06.2021 registered under Sections 354-B, 452 and 506 of Indian Penal Code at Police Station Naggal, District Ambala and all subsequent proceedings arising therefrom on the basis of compromise dated 27.09.2023 (Annexure P-2).

2. The following order was passed on 22.12.2023:

“This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.43 dated 04.06.2021 under Sections 354-B, 452 and 506 of the Indian Penal Code, 1860 registered at Police Station Naggal, District Ambala (Annexure P-1), and all other consequential proceedings arising there-from, on the basis of a compromise dated 27.09.2023 (Annexure P-2).

Learned counsel for the petitioner would contend that the matter now stands settled between the parties and there is no ill will between two of them. Learned counsel for the petitioner has relied upon the judgment of Hon’ble Supreme Court rendered in “Gian Singh Vs. State of Punjab & Anr.” [2012 (10) SCC 303] and the Larger Bench’s judgment of this Court in “Kulwinder Singh & Ors. Vs. State of Punjab & Anr.” [2007 (3) RCR (Criminal) 1052].

Notice of motion.

On the asking of the Court, Mr. Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent No.1-State. Mr. Ankush Singla, Advocate accepts notice for respondent No.2-complainant and has filed his power of attorney, which is taken on record. Copy of the petition has already been supplied to both the counsel.

Learned counsel for respondent No.2 has also reiterated that the parties have since entered into the compromise voluntarily and willingly and that respondent No.2 would have no objection if the aforesaid FIR is quashed in view of the compromise entered into between the parties.

List on 18.04.2024.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 02.02.2024, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:

- 1) Whether the compromise dated 27.09.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether all the accused are party to the compromise.*
- 3) Whether any other criminal cases are pending against the parties.*
- 4) Whether any proclamation proceedings are pending against either of the parties.”*

3. 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.

4. 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. 43 dated 04.06.2021registered under Sections 354-B, 452 and 506 of Indian Penal Code at Police Station Naggal, District Ambala and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

April 18, 2024
Ajay Goswami

(i) Whether speaking/reasoned

(ii) Whether reportable

(HARPREET SINGH BRAR)

JUDGE

Yes/No

Yes/No