

CRM-M-28093-2024 (O&M)

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293 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-28093-2024 (O&M)

Date of Decision: 16.01.2025

SATISH KUMAR AND ANOTHER

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohan Singla, Advocate
for Mr. J.S. Thind, Advocate for the petitioners.

Ms. Geeta Sharma, DAG Haryana.

Mr. Manjit Singh Gahlawat, Advocate
for the complainant-respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, filed under Section 482 of Cr.P.C., a prayer is made for quashing of FIR No.33 dated 17.02.2018 (Annexure P-1), under Sections 420, 406 and 120-B of the IPC, 1860, registered at Police Station City Kharar, and all subsequent proceedings emanating therefrom, on the basis of compromise dated 24.05.2023 (Annexure P-2).

2. The following order was passed on 03.10.2024:

“Through the instant petition, filed under Section 482 of Cr.P.C., a prayer is made for quashing of FIR No.33 dated 17.02.2018 (Annexure P-1), under Sections 420, 406 and 120-B of the IPC, 1860, registered at Police Station City Kharar, and all subsequent proceedings emanating therefrom, on the basis of compromise dated 24.05.2023 (Annexure P-2).

Notice of motion.

Mr. Pardeep Bajaj, DAG, Punjab, waives service on behalf of the respondent-State, whereas, Mr. Shailender



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Singh, Advocate appeared on behalf of the respondent No.2, through validly executed vakalatnama, in her favour, and has submitted that he has no objection in case the FIR (supra), is quashed on the basis of compromise (supra).

In view of above, the parties are directed to appear before the learned Illaqa Magistrate/trial Court concerned within one month from today to get their respective statements recorded regarding the compromise and after recording their respective statements, the learned trial Court/Illaqa Magistrate concerned is directed to send the same alongwith its report, regarding the genuineness of compromise, on or before the next date of hearing in the present petition, specifically with regard to the following facts:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is proclaimed offender;*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary, and without any coercion or undue influence and*
- 5. Total number of victims and their names.*

It is made clear that complainant/private respondent should also appear in person before the learned trial Court/Illaqa Magistrate concerned to get her statement recorded regarding compromise. It is open for the complainant to make an application before the learned trial Court concerned, for recording her statement through video-conferencing.

To come up on 27.11.2024.

The State counsel is also directed to verify the factum of compromise by the date fixed.

A copy of this order be sent to the learned trial Court/Illaqa Magistrate for compliance.”

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.

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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** 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 (CrI.) 1052**, this petition is allowed and FIR No.33 dated 17.02.2018 (Annexure P-1), under Sections 420, 406 and 120-B of the IPC, 1860, registered at Police Station City Kharar along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

16.01.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

AJAY GOSWAMI
2025.01.16 16:50
I attest to the accuracy and
integrity of this document