



289 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34294-2023

Date of decision: 28.01.2025

HEERA BALLABH AKA KAMLESH PRASAD

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Tarranum Madan, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Rajshekhar, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0168 dated 26.04.2019 under Sections 408 and 420 of IPC registered at Police Station Udyog Vihar, Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 19.08.2021 (Annexure P-2).

2. The following order was passed on 15.07.2024 :-

“Since the petitioner seeks quashing of FIR (Annexure P-1) on the ground that the same has been amicably compromised, it is deemed appropriate that statements of the parties be recorded.

At this stage, Mr. Rajshekhar, Advocate, has put in appearance on behalf of respondent No.2 and has filed power of attorney. The same is taken on record.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise, on any



convenient date. After recording the statements of all the affected parties, and upon getting requisite information from Investigating Officer, the trial Court/Illaqa Magistrate shall submit its report on the basis of the statements so recorded, broadly on the following aspects:

(i) Whether there is any other accused other than the petitioner, arrayed in this petition.

(ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.

(iii) Whether any accused has been declared Proclaimed Offender?

(iv) Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?

The report be submitted before this Court on or before the next date.

List again on 21.10.2024.”

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. Learned counsel for the petitioner submits that inadvertently in the memo of parties, name of father of the petitioner has been wrongly mentioned as ‘*Ramesh Chandra*’ instead of ‘***Late Nanda Ballabh Joshi***’, however, at the time, when the parties had appeared before the trial Court for recording their statements, the correct particulars were incorporated.

5. The aforesaid mistake stands rectified. Registry is directed to carry out necessary corrections.

6. 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 46***, 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.0168 dated 26.04.2019 under Sections 408 and 420 of IPC registered at Police Station Udyog Vihar, Gurugram (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

January 28, 2025
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(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |