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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-40976-2024

Date of Decision: **05.02.2025**

Sarfraz

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aakash Juneja, Advocate
for the petitioner (Through video conferencing).

Mr. Harkesh Kumar, AAG, Haryana.

Mr. Sunil Kumar Tandon, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed seeking quashing of FIR No.488 dated 24.07.2020 (Annexure P-1) under Sections 406/420 of IPC, 1860 registered at Police Station Shivaji Colony Rohtak, District Rohtak and all subsequent proceedings arising therefrom in view of the compromise dated 16.03.2023 (Annexure P-2).

2. The following order was passed on 23.08.2024 by the co-ordinate Bench of this Court:-

The petitioner has approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for 5.2.2025.

Mr. Sunil Kumar Tandon, Advocate has put in appearance on behalf of respondent No.2 and has filed Vakalatnama, which 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/Illaq 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.”

3. In compliance of the above 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, 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.488 dated 24.07.2020 under Sections 406/420 of IPC, 1860 registered at Police Station Shivaji Colony Rohtak, District Rohtak and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

05.02.2025

Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No