

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-18616 of 2013

.....

Date of decision:23.2.2015

Hardeep Singh and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

....

Present: Mr. Rakesh Bakshi, Advocate for the petitioners.

Mr. Surinder Singh Pannu, Deputy Advocate General,
Haryana for State-respondents No.1 to 3.

Mr. Hitender Kansal, Advocate for complainant-respondent
No.4.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.314 dated 19.6.2011 (Annexure-P.1) registered for the offences under Sections 406, 420 and 120-B IPC at Police Station Ambala Cantt., District Ambala as well as subsequent proceedings arising therefrom as the continuation of the criminal proceedings are merely a misuse of the process of law by respondent No.4 with an intention to harass the petitioners.

Notice of motion has been issued in this case.

Mr. Surinder Singh Pannu, learned Deputy Advocate General, Haryana has put in appearance on behalf of State-respondents No.1 to 3 and Mr. Hitender Kansal, learned Advocate has appeared on behalf of

complainant-respondent No.4 and contested this petition.

I have heard learned counsel for the petitioners as well as learned Deputy Advocate General, Haryana appearing for State-respondents No.1 to 3 and learned counsel for complainant-respondent No.4 and have gone through the record.

From the record, I find that in the present case, FIR has been registered by complainant-respondent No.4 against the petitioners and other co-accused alleging that he paid about ₹9,20,000/- for the plots and colony has not been developed and the complainant has been cheated.

At the time of arguments, it was stated by the learned counsel for the petitioners that petitioner No.3 Vipin Mishra has already died and the petition qua him has been abated and the same be dismissed as abated. Ordered accordingly.

During the course of arguments, learned counsel for petitioners No.1 and 2 mainly argued on one point that the petitioners have already effected compromise with complainant-respondent No.4 and for the amount of ₹9,20,000/-, which was given by the complainant to the petitioners, he has already received ₹15,75,000/- as per the compromise (Annexure-P.2) and it is in the compromise that first party i.e. Ashwini Kumar Aggarwal will not pursue the case against the second party relating to the present FIR.

At the time of arguments, learned counsel for complainant-respondent No.4 admitted that the complainant has taken ₹15,75,000/- as per this compromise., which means that complainant-respondent No.4 by entering into the compromise has availed the benefit under this compromise

[3]

and now he is resiling from his part of the compromise that he will not pursue the present FIR.

It is settled law that a person, who has taken the benefit under the compromise, cannot resile from the compromise. No other term of the compromise has to be complied with by the present petitioners. They have already complied with the compromise by making the payment of ₹15,75,000/- to complainant-respondent No.4. Therefore, in view of the fact that the parties have entered into a compromise and it was agreed by complainant-respondent No.4 that he will not pursue the present FIR and has already received the amount under the compromise, therefore, he cannot be allowed now to resile from the compromise and to pursue the present FIR. Now continuation of the proceedings under this FIR amounts to abuse of the process of the law.

Therefore, finding merit in the present petition, the same is allowed and FIR No.314 dated 19.6.2011 (Annexure-P.1) registered for the offences under Sections 406, 420 and 120-B IPC at Police Station Ambala Cantt., District Ambala as well as all other subsequent proceedings arising out of the same are hereby quashed.

February 23, 2015.

(Inderjit Singh)
Judge

hsp