

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M-22373 of 2010 (O&M)
Date of decision:-12.02.2015

Muqem KhanPetitioner

Vs.

TansenRespondent

2. CRM M-25719 of 2010 (O&M)

Muqem KhanPetitioner

Vs.

TansenRespondent

3. CRM M-4321 of 2011 (O&M)

Muqem Khan and anotherPetitioners

Vs.

State of Haryana and anotherRespondents

4. CRM M-37969 of 2010 (O&M)

Muqem KhanPetitioner

Vs.

TansenRespondent

Coram:- Hon'ble Mrs. Justice Lisa Gill

Present:- Mr.Rajesh Lamba, Advocate for the petitioner(s).

Mr.R.S.Hooda, Advocate for the respondent (s)

Mr.A.S.Sullar, Addl.A.G.Haryana
in CRM No.M-4321 of 2011.

Lisa Gill, J.,(Oral)

1. This order shall dispose of **(i)** CRM-M-22373 of 2010 (Muqem Khan v. Tansen) seeking quashing of summoning order dated 29.03.2010 in complaint case No.278 dated 29.03.2010 ; **(ii)** CRM-M-25719 of 2010 (Muqem Khan v. Tansen) seeking quashing of summoning order dated 17.04.2010 in complaint case No.1755 dated 13.04.2010 ; **(iii)** CRM-M-37969 of 2010 (Muqem Khan v. Tansen) seeking quashing of summoning order dated 17.04.2010 in complaint case No.305/2 dated 13.04.2010 ; **(iv)** CRM-M-4321 of 2011 (Muqem Khan and another v. State of Haryana and another) seeking quashing of FIR No.124 dated 11.05.2010 under Section 420 IPC, Police Station S.G.M.Nagar, Faridabad and Challan filed under Section 420, 506 IPC, along with all subsequent proceedings arising therefrom.

2. On 02.02.2015, respondent-Tansen duly identified by his counsel, came present in the Court and submitted that he is ready and willing to resolve the dispute with Muqem Khan petitioner on receipt of an amount of Rs.16 Lacs in discharge of the entire liability towards him.

3. Two demand drafts bearing numbers 990558 and 990560 for a sum of Rs.6 lacs each, drawn on Allahabad Bank, Okhla Industrial Estate, New Delhi in favour of respondent-Tansen, were handed over to respondent-Tansen on 02.02.2015. Petitioners sought time for a week to pay rest of the amount i.e.Rs.4 Lacs.

4. Today, a demand draft bearing number 990674 dated 05.02.2015 for a sum of Rs.4 Lacs, drawn on Allahabad Bank, Okhla Industrial Estate, New Delhi, in favour of respondent-Tansen, has been handed over to learned counsel for respondent-Tansen.

5. An affidavit dated 11.02.2015 on behalf of respondent-Tansen has been filed in Court in CRM M No.22373 of 1010 to the effect that the matter

has been settled in lump sum amount of Rs.16 lacs and he has no objection to the quashing of the summoning orders and complaints which are the subject matter of petitions CRM-22373 of 2010, CRM M-25719 of 2010, CRM M No.28991 of 2010, CRM M-37969 of 2010 as well as FIR No.124 dated 11.05.2010 under Section 420 IPC (challan dated 9.09.2010 under Sections 420, 506 IPC) which is subject matter of CRM M 4321 of 2011. However, Tansen is not a party in CRM-M-28991 of 2010 which is being segregated from this bunch.

6. Learned counsel for the respondents submits that the complaints and FIR arise out of a monetary dispute which has been amicably resolved between the parties. Respondent Tansen has no objection to the quashing of the above mentioned summoning orders, complaints as well as FIR alongwith all consequential proceedings against the petitioner and his wife Tabassum.

7. Keeping in view the facts and circumstances of the case and the amicable resolution of the dispute between the parties, it is considered just and expedient to allow these petitions. It is apparent that no useful purpose would be served to continue with the proceedings in these cases as the chances of conviction of the petitioners are bleak. It shall indeed be a futile exercise to continue the proceedings against the petitioners in the aforesaid cases.

8. In ***Kulwinder Singh and others versus State of Punjab and another*** 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

9. Therefore, for the reasons mentioned hereinabove, summoning order dated 29.03.2010 as well as complaint No.278 dated 29.03.2010 in CRM-M-22373 of 2010 (Muqem Khan v. Tansen) ; **(ii)** summoning order dated 17.04.2010 as well as complaint No.1755 dated 13.04.2010 in CRM-M-25719 of 2010 (Muqem Khan v. Tansen) ; **(iii)** summoning order dated 17.04.2010 as well as complaint No.305/2 dated 13.04.2010 in CRM-M-37969 of 2010 (Muqem Khan v. Tansen) ; **(iv)** FIR No.124 dated 11.05.2010 under Section 420, 506 IPC, Police Station S.G.M.Nagar in CRM-M-4321 of 2011 (Muqem Khan and another v. State of Haryana and another), along with all subsequent proceedings arising from the abovesaid complaints and FIR are hereby quashed.

12.02.2015
anil

(LISA GILL)
JUDGE