

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-19350 of 2014 (O&M)

.....

Date of decision:28.1.2015

Shalesh Sharma

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Amit Parashar, Advocate for the petitioner.

Mr. Deepak Grewal, Deputy Advocate General, Haryana
for the respondent-State.

Mr. Harjeet Savra, Advocate for complainant-respondent
No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.137 dated 7.5.2010 (Annexure-P.1) registered for the offences under Sections 420, 467, 468, 471, and 34 IPC at Police Station Suraj Kund, Faridabad and all subsequent proceedings arising therefrom in view of the one time settlement with respondent Bank and in pursuance to the No Objection Certificate (Annexure-P.3) issued by respondent No.2.

The FIR has been registered on the statement of complainant-

Ashok Sharma, Manager, Union Bank of India, Branch Badkhal,

Faridabad on the allegations that the accused-petitioner had taken loan from the Bank on forged documents i.e. surety etc. and cheated the complainant. Now in pursuance of compromise proposal, which was accepted by the Bank, the entire settlement amount of ₹25 Lacs, which was due against the petitioner, has been paid by him to the Bank. In pursuance to the payment of entire settled amount, the Bank issued a No Dues Certificate in favour of the petitioner and now there are no dues outstanding with the Bank. As the parties have resolved their dispute, therefore, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Faridabad has sent his report dated 22.12.2014 submitting that the compromise/settlement arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. On behalf of the Bank, Kuldeep Kashyap, Senior Branch Manager, Branch Badkhal, Faridabad has stated that they have entered into a compromise with the accused voluntarily. They have received the amount as per compromise from the accused. As such, now the Bank does not want to proceed any further with the present case. The compromise is arrived at voluntarily, without any undue influence and coercion. The Bank has no objection if the aforesaid FIR is quashed.

Learned Deputy Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for the respondent No.2 admit the factum of compromise and submit that in case the parties

have indeed settled their dispute, the State would have no objection to the quashing of the FIR in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioners as well as learned Deputy Advocate General, Haryana and learned counsel for respondent No.2 and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, wherein it has been held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable, this petition is allowed and FIR No.137 dated 7.5.2010 (Annexure-P.1) registered for

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the offences under Sections 420, 467, 468, 471, and 34 IPC at Police Station Suraj Kund, Faridabad and all subsequent proceedings arising out of the same are hereby quashed.

January 28, 2015.

(Inderjit Singh)
Judge

hsp