

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

257 **Criminal Misc. M- No. 37824 of 2014 (O&M)**  
Date of decision : 19.01.2015

M/s Aiming High Infrastructure and another .....Petitioners

Versus

Sharwan Kumar Juneja and another ....Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Shalender Mohan, Advocate  
for the petitioner.

Mr. Abhishek Varma, Advocate  
for respondent No. 1.

Mr. S.S. Chaudhary, DAG, Punjab

**LISA GILL, J.**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of Complaint No. 59-2 dated 31.01.2012 as well as order dated 24.12.2013 passed by learned Sub Divisional Judicial Magistrate, Abohar on the basis of settlement dated 13.10.2014 (Annexure P-6) arrived at between the parties.

2. Respondent No. 1- Sharwan Kumar Juneja had filed complaint (Annexure P-1) under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act') and Section 420 IPC against the petitioners and one Sanjeev Gupta. The petitioners were summoned under Section 138 of the Act only. Order dated 04.12.2013 vide which petitioner No. 2 – Kuldeep Nandrajog as well

as Sanjeev Gupta were declared proclaimed offender has also been challenged on the ground that service thereof was never effected as per the provisions of law. The matter has been settled amicably between the parties and the entire amount due stands paid.

Learned counsel for respondent No. 1 submits that accused Sanjeev Gupta has been arrayed as a party due to inadvertent mistake. He is not the Director of the company, M/s Aiming High Infrastructure – petitioner No. 1. Therefore, complaint should be quashed qua said person also, who in any case, has been wrongly impleaded. Respondent No. 1 also moved an application alongwith petitioner before the Sub Divisional Judicial Magistrate, Abohar for withdrawl of the complaint but the same was not entertained on the ground that the said court has no power to recall its own order.

3. Due to the intervention of respectables, elders and friends, a compromise is stated to have been arrived at between the parties on 13.10.2014. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

4. This Court on 28.11.2014 had directed the parties to appear before learned trial Court on 10.12.2014 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial Court was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at out of the free will and volition of the parties without any coercion,

fear or undue influence.

5. Pursuant to order dated 28.11.2014, report dated 15.12.2014 has been received from Sub Divisional Judicial Magistrate, Abohar wherein it is observed that the compromise/settlement between the parties is genuine, without any sort of undue pressure or coercion. It is also observed that out of three accused i.e. M/s Aiming High Infrastructure, Kuldeep Nandrajog and Sanjeev Gupta, the latter two were declared to be proclaimed offenders. The statement of the complainant/respondent has also been recorded to the extent that there is no other affected person in this case as Sanjeev Gupta was never the Director of the Company in question. Therefore, the complainant does not wish to pursue his complaint against him in any case. Learned counsel for the complainant has no objection if the said complaint is quashed qua all the accused. Copies of the statements of the parties as well as the Memorandum of Understanding are attached alongwith the said report.

6. 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”.*

7. Keeping in view the peculiar facts and circumstances of the case where the petitioners have settled the matter amicably, it would be in the interest of justice to set aside the order dated 24.12.2013 which stems from the above mentioned complaint.

8. This petition is, thus, allowed and Complaint No. 59-2 dated 31.01.2012 as well as order dated 24.12.2013 passed by learned Sub Divisional Judicial Magistrate, Abohar alongwith all consequential proceedings are, hereby, quashed.

January 19, 2015  
rts

(LISA GILL)  
JUDGE