

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

CRM-M No. 40617 of 2014.
Date of Decision : 12.05.2015.

Dinesh Katiyar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. S.K. Lamba, Advocate for
Mr. Vivek Lamba, Advocate for the petitioner.

Mr. Satish Saini, Deputy Advocate General, Haryana.

Tejinder Singh Dhindsa, J. (Oral)

Reply by way of affidavit of the Deputy Superintendent of Police, Samalkha, District Panipat has been filed in Court today and the same is taken on record. Copy of the same has been furnished to the learned counsel for the petitioner.

With the consent of the counsel for the parties, the main petition is taken up for disposal today itself.

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 111, dated 28.11.2010, under Sections 420, 468, 471, 406, 120-B IPC, registered at Police Station Bapoli, District Panipat.

Learned counsel appearing for the petitioner would contend that the matter has since been compromised with the complainant, namely, Krishan Gopal and in terms of the conditions, mutually settled the FIR, which was essentially a civil dispute between the parties, may be quashed while exercising the powers under Section 482 Cr.P.C.

Perusal of the FIR would reveal that complaint was lodged by Krishan Gopal by stating that a news item was published on 28 and 29.05.2009 by M/s Bharat Oil and Gas Corporation Limited having its address at Noida and of which the present petitioner was the Managing Director and a demand for draft of ₹1,000/- was made for sending the form for allotment of Gas Agency in Bapoli. The complainant was stated to have submitted the draft of ₹1,000/- and thereafter had sent the form to the company. The accused i.e. the present petitioner as also other officials of the company had thereafter called the complainant to their Noida Office and whereupon he was called upon to prepare a demand draft of ₹5 lacs in the name of the company and the site at Bapoli was to be inspected. Further allegation was that on 12.06.2009 the site was duly inspected and even the demand draft of ₹5 lacs in the name of the company was duly handed over. Thereafter another sum of ₹10,000/- by way of demand draft was furnished to the accused on the pretext of receiving an authority letter, dealership card, No Objection Certificate etc. Allegations in nutshell are that ultimately the Gas Agency never materialized and the complainant has been duped of his money.

The compromise entered into between the parties has been placed on record at Annexure P-2. Perusal of the same would reveal that a sum of ₹75,000/- has already been recovered by the police from the petitioner and he has agreed to pay the balance amount of ₹4,25,000/- to the complainant, namely, Krishan Gopal.

Alongwith the reply that has been filed on behalf of the State today, Annexure R-1 has been appended, which is clearly indicative of the fact that the present petitioner is involved in as many as 21 criminal proceedings under Sections 420, 406, 467, 468 of the Indian Penal Code. The details of all the FIRs have been furnished at Annexure R-1.

The facts recorded here-in-above, clearly indicate that the petitioner is a habitual offender. He may have entered into a compromise with one of the complainants but such offence would have to be viewed by this Court not against one particular individual but against the society as a whole.

In the considered view of this Court, the powers under Section 482 Cr.P.C. cannot be invoked by this Court and in favour of such persons like the petitioner and the compromise at Annexure P-2 is not to be acted upon to bring to an end the criminal prosecution.

Accordingly, the present petition seeking quashing of the FIR No. 111, dated 28.11.2010, under Sections 420, 468, 471, 406, 120-B IPC, registered at Police Station Bapoli, District Panipat, on the basis of a compromise, is dismissed.

It is, however, clarified that dismissal of the instant petition and the observations contained in this order shall not be construed as an expression of this Court on the merit of this case.

Dismissed.

May 12, 2015.
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(TEJINDER SINGH DHINDSA)
JUDGE