

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-12614 of 2010(O&M)
Date of Decision: January 20, 2016

Narender Singh and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Shiv Kumar, Advocate
for the petitioners.

Mr.Vikramjit Singh, Addl. Advocate General, Haryana
for the respondent-State.

Mr.N.K.Joshi, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.511 dated 15.11.2007 under Sections 419, 420, 467, 471 and 120-B IPC registered at Police Station Central, Faridabad and all consequent proceedings arising out of the said FIR on the basis of amicable settlement arrived at between the parties.

Notice of motion was issued and learned State counsel appeared and contested the petition. Learned counsel for respondent No.2 also appeared.

I have heard learned counsel for the parties as well as

learned State counsel and have gone through the record.

The only base for quashing of the FIR is amicable settlement arrived at between the parties. This Court asked the complainant to place on record the said compromise. Today, learned counsel for the petitioners submitted that he has no specific written MoU or compromise between the petitioners and respondent No.2. The MoU (Annexure P-2), which is placed on record, is between the petitioner Narinder Singh and Satyander Singh being GPA of Sharda Rani, who is also mother of Narinder Singh. In that compromise, present respondent No.2 is not a party. Learned counsel for the petitioners further states that petitioners have also withdrawn the suit etc. by giving statement at the oral asking of respondent No.2. Learned counsel for the petitioners admitted that the suit has been withdrawn but there is no mention regarding the compromise or settlement with respondent No.2 in that statement. Learned counsel for the petitioner relied upon the interim order passed by this Court in this case on 17.05.2011 wherein it is written that learned counsel for the parties agree that the matter has been compromised. However, on account of some formalities, learned counsel for respondent No.2 prays for an adjournment. On the basis of this interim order in this case, in no way, it can be held that compromise has been effected between the petitioners and respondent No.2. There is nothing on the record as to what are the terms and conditions of the compromise. Whether the parties agreed for quashing of FIR and if so, on which conditions.

Learned counsel for the petitioners failed to prove the amicable settlement or the compromise between the petitioners and respondent No.2.

In view of the above discussion, the FIR and all subsequent proceedings cannot be quashed on the ground of amicable settlement.

Therefore, finding no merit in the present petition, the same is dismissed.

January 20, 2016
Vgulati

(INDERJIT SINGH)
JUDGE