

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

(231)

**CRM-M-21908-2015 (O&M)
Decided on: April 05, 2016.**

M/s Adel Landmarks Ltd and another

.... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Vineet Sehgal, Advocate, for the petitioners.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

Ms. Promila Nain, Advocate,
Mr. Chanchal K. Singla, Advocate, and
Mr. Parvesh K. Saini, Advocate.

M.M.S. BEDI, J (ORAL)

This petition has been filed seeking quashing of FIR on the basis of matter having been compromised with the complainant.

Challan has not yet been presented.

The complainant has a grievance that the petitioners have defrauded the complainant by receiving money for providing flats without sanction having been obtained in accordance with law with no intention to allot any plot. The petitioners on behalf of defaulting company have allegedly returned the amount received for allotment of the flat.

Since challan has not yet been presented, it will be open to the complainant/aggrieved persons or any other victim at this stage to get their supplementary statements recorded before the investigating officer. It is

certain principle of law that any statement voluntarily offered during course of investigation relevant for determining the culpability of an accused, has to be recorded by the investigating officer. It is directed that in case, complainant or any other affected persons or the victim of any act of the petitioners voluntarily get their statements recorded to the effect that the matter has been amicably settled and that they do not intend to raise their legal remedy against the petitioners by way of criminal trial, the investigating officer shall record the said statements and taking into consideration the other material available on the record take a decision to file cancellation report/untraced report and present the same for consideration before the Illaqa Magistrate. It will be open to the complainant/victims to submit their no objection to the acceptance of the cancellation report.

With the abovesaid observations, this petition is disposed of, at this stage.

(M.M.S. BEDI)
JUDGE

April 05, 2016
harsha