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

**CRM-M-24504-2015
Date of decision : 10.08.2016.**

M/s Adel Landmark Limited

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

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

Present: Mr. Veneet Sehgal, Advocate for the petitioner.

Mr. G.S. Salwara, DAG, Haryana.

None for respondent No.1-complainant.

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

The petitioner seeks quashing of FIR No.253 dated 18.06.2015 under Sections 406/420 IPC registered at Police Station Rajendra Park, Gurgaon at the instance of respondent No.2-Ankur Sardana alleging that he had booked a flat in the project of petitioner as the petitioner was dealing in real estate business of construction and paid an amount of ₹ 14,21,541/- by cheques, but the flat was not allotted to him. The amount received by the petitioner was also not returned.

Learned counsel for the petitioner submits that the amount has already been returned to the complainant.

On instructions from the investigating officer, ASI-Harbir Singh, learned State counsel submits that the challan has already been presented and the case is fixed for recording the statement of the complainant.

Since the complainant has not come forward for getting the

statement recorded regarding the alleged compromise, I dismiss this petition

RAMANDEEP SINGH
2016.08.12 09:40
I attest to the accuracy and
authenticity of this document

without prejudice to the right of the petitioner to seek acquittal on the basis of the circumstances mentioned in the present petition. In case, the trial Court is satisfied that the amount has been repaid to the complainant and the matter stands compromised, it will be open to the trial Court to take it as a mitigating circumstance to grant any relief or the benefit of doubt to the accused.

The petition is dismissed, at this stage without prejudice to the right of the petitioner, to approach this Court again in case need arises to do so.

(M.M.S. BEDI)
JUDGE

August 10, 2016
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes / No