

265.

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

CRM-M-25521-2015

Date of decision: 12.08.2016

Avtar Singh and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Neeraj Gupta, Advocate,
for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

Mr. Pardeep Solath, Advocate,
for respondent No.2.

HARI PAL VERMA, J. (*Oral*)

Prayer in instant petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.210, dated 19.04.2014 under Sections 406/420/120-B of IPC, registered at Police Station DLF Qutab Enclave, Gurgaon (Annexure P-1) and all subsequent proceedings taken in pursuance therefrom.

It being a dispute arising out on the basis of agreement to sell dated 11.01.2013 (Annexure P-2), on 16.02.2016, on the joint request of the counsel for the parties, the matter was referred to Mediation & Conciliation Centre of this Court and the parties were directed to appear before the Mediator on 24.02.2016.

Pursuant to the aforesaid order, the parties have appeared before the Mediation and Conciliation Centre of this Court where a

settlement has been arrived at between the parties vide settlement/agreement dated 06.04.2016. The terms of settlement arrived at between the parties reads as under:-

“a) It has been agreed between the parties that the first party would fully compensate the second party by making a payment of Rs.22,50,000/- (Rupees Twenty Two Lacs and Fifty Thousand only) which includes the earnest money of Rs.12,00,000/- (Rupees Twelve Lac Only). This amount would be paid in four instalments by way of Demand Draft in the name of the second party-Sandeep Kumar, which are as follows:-

- i) The first instalment of Rs.3,50,000/- (Rupees Three Lacs and Fifty Thousand only) will be paid to the second party on 05.05.2016 which is the date fixed before the Hon’ble High Court.*
- ii) The second instalment of Rs.4,00,000/- (Rupees Four Lacs only) will be paid to the second party on 27.05.2016.*
- iii) The third instalment of Rs.7,50,000/- (Rupees Seven Lacs and Fifty Thousand only) will be paid to the second party on 20.06.2016.*

Second and Third instalments would be paid in the office of Sh. Kuldip Yadav, H-228, Sushant Shopping Arcade, B-Block, Sushant Lok-I Gurgaon.

- iv) The fourth and final instalment of Rs.7,50,000/- (Rupees Seven Lacs and Fifty Thousand only) will be paid to the second party on 11.07.2016.*

On 05.05.2016 when the present case for quashing of the FIR is fixed before the Hon'ble High Court, the parties will request the Hon'ble Court to adjourn the matter for 11.07.2016 during which period three instalments as mentioned above will be paid to the second party. This time would be sought to enable the first party to make the payment of abovesaid instalments. The fourth instalment will be paid before the Hon'ble High Court on 11.07.2016.”

It has been further agreed between the parties that respondent No.2-complainant, namely, Sandeep Kumar, who filed number of civil as well as criminal cases against the petitioners will withdraw those cases

after the receipt of first three instalments and before the receipt of fourth and final instalment.

Learned counsel for respondent No.2-complainant submits that the complainant has received the entire payment in terms of settlement arrived at before the Mediation and Conciliation Centre of this Court and has no objection in case present FIR is quashed. He further submits that the complainant has already withdrawn all the cases filed by him and produced photocopy of statement dated 21.07.2016 made by respondent No.2-complainant before the learned Civil Judge Junior Division Gurgaon as well as copy of order dated 21.07.2016 passed by Id. Civil Judge Junior Division Gurgaon whereby case titled as *Sandeep vs. Avtar* has been dismissed as withdrawn in term of settlement between the parties. He also produced a copy of order dated 13.07.2016 passed by Id. Additional Sessions Judge, Gurgaon whereby the case titled as *Sandeep vs. Kartar Singh* has been dismissed in default. The copies of these orders as well as statement above referred, are taken on record.

Learned State counsel also does not dispute the factum of compromise arrived at between the parties before the Mediation and Conciliation Centre of this Court

Heard.

Since the matter has been compromised between the parties, respondent No.2 has received the payment of Rs.22,50,000/- and has also withdrawn all the cases filed by him against the petitioners, no useful purpose would be served to continue with the proceedings in the instant FIR against the petitioners.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in Gian Singh Versus State of Punjab and others, (2012) 10 SCC 303, this petition is allowed and F.I.R. No.210, dated 19.04.2014 under Sections 406/420/120-B of IPC registered at Police Station DLF Qutab Enclave, Gurgaon (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners in term of settlement/agreement dated 06.04.2016 arrived at between them before the Mediation and Conciliation Centre of this Court.

(HARI PAL VERMA)
JUDGE

August 12, 2016
SANJEEV

Whether speaking/reasoned	Yes/No.
Whether Reportable:	Yes/No.