

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

**Criminal Misc. No. M-29620 of 2016
Date of Decision:-06.12.2016**

Dheeraj Gulati

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Ms. Deepa Jain, Advocate for
Mr. Yash Dev Kaushik, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.31 dated 4.2.2014, under Sections 420, 406, 467, 468, 471 and 120-B IPC, registered at Police Station Bhupani, District Faridabad (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise in the shape of affidavit of complainant dated 18.5.2016 (Annexure P-2).

Vide order dated 26.8.2016, this Court had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 26.8.2016, the parties have appeared before the learned Magistrate on 20.9.2016 for getting their statements recorded.

The report dated 17.10.2016 received from the learned JMIC, Faridabad, reveals that the compromise has been effected between the parties without any undue pressure.

The true translation of the statement made by complainant Anurag Marwah before the JMIC, Faridabad, on 20.9.2016 reads as under :-

“Stated that on 4.2.2014 I lodged an FIR under Sections 420, 406, 467, 468, 471 and 120-B IPC, P.S. Bhupani against Dheeraj Gulati son of late Shri Tilakraj Gulati, permanent resident of H.No.202, Mohalla Kaziwara, Palwal, in which I have fully and finally settled the matter with Dheeraj Gulati. In this regard I have produced my affidavit dated 18.5.2016 which is Ex.P1, as per which I have completely compromised the matter with Dheeraj Gulati and other accused persons and I do not want to proceed with any legal action against them. I do not want to proceed legal action in the present case against Dheeraj Gulati. I have settled the matter with the accused persons without any pressure and I am also giving this statement in the Court without any pressure.”

Learned State counsel does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned

Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.31 dated 4.2.2014, under Sections 420, 406, 467, 468, 471 and 120-B IPC, registered at Police Station Bhupani, District Faridabad and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

December 06, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No