

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

**Criminal Misc. No. M-37030 of 2015
Date of Decision:-22.01.2016**

General Motors India Pvt. Ltd. and others

...Petitioners

Versus

State of Haryana and another

...Respondents

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

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Arshdeep Singh Cheema, Advocate with
Mr. Nishant Joshi, Advocate
for the petitioners.

Mr. Manish Bansal, DAG Haryana.

Mr. Ajay Pal Singh, Advocate
for respondent No.2-complainant.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.223/14 dated 30.3.2014, under Sections 420 and 120-B IPC, registered at Police Station City, Sadar, Gurgaon (Annexure P-1) alongwith all consequential proceedings on the basis of settlement dated 15.9.2015 (Annexure P-3).

Vide order dated 30.10.2015, this Court has directed the parties to appear before the Chief Judicial Magistrate/Illaq Magistrate 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 30.10.2015, the parties have appeared before the learned Magistrate on 30.11.2015 for getting their statements recorded.

The report dated 10.12.2015 received from the learned Additional Chief Judicial Magistrate, Gurgaon, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Harsh Gahlaut before the Additional Chief Judicial Magistrate, Gurgaon on 30.11.2015 reads as under :-

"I hereby state that I have entered into compromise with the accused company through its authorized representative Mr. Rajesh Pawar. I have entered into this compromise on my own will and the terms duly mentioned in settlement agreement dated 15.9.2015, accordingly, I do not want to pursue the FIR anymore. I am giving the statement under no coercion or pressure. No other criminal case is pending between me and the accused. I have no objection to the prayer in quashing petition being allowed of FIR No.223/2014."

Learned counsel appearing for respondent No.2-complainant does not dispute the fact of compromise effected between the parties and submits that the dispute has been amicably settled between the parties.

Learned State counsel also does not dispute the aforesaid factual position, rather admit 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 the 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 **Gian Singh vs. State of Punjab and others, (2012) 10 SCC 303** this petition is allowed and FIR No.223/14 dated 30.3.2014, under Sections 420 and 120-B IPC, registered at Police Station City, Sadar, Gurgaon and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

January 22, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE