

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

Criminal Misc. No.M-38915 of 2014

Date of Decision:-11.05.2016

Jaswinder Singh

...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. J.S. Cooner, Advocate for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

Mr.Gaurav Mohunta, Advocate for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing the FIR No.144 dated 04.05.2013 (Annexure P1) for offence under Sections 420/406 IPC, registered at Police Station, Mahesh Nagar, Ambala alongwith all consequential proceedings arising therefrom.

On 17.02.2016, this Court has passed the following order:-

“Learned counsel for the petitioner, on instructions from his client who is present in Court, states that the petitioner is ready to return the total consideration amount of Rs.2 lacs including the earnest money.

Learned counsel for respondent no.2 accepts the proposal.

On joint request, the matter is referred to Mediation and Conciliation Centre of this Court for amicable settlement of the dispute.

Parties are directed to appear before Mediation and Conciliation Centre on 26.2.2016.

List again on 31.3.2016.”

In term of the aforesaid order, the parties appeared before the Mediation & Conciliation Center of this Court where the parties have compromised the matter and signed the settlement agreement dated 14.03.2016.

As per the settlement executed between the parties before the Mediation & Conciliation Centre of this Court, the parties settled their dispute on the following terms:-

“A) It is agreed between the parties they they do not want to continue any further litigation and they want to compromise.

b) It is agreed that the first party shall pay a sum of Rs. 2 lacs to the respondent No.2, namely, Mr. Amarjeet Singh (the second party). But the first party Mr. Jaswinder Singh needs some time to arrange the money and he seeks a short accommodation. The second party agrees him to grant time till the end of April and it is agreed that the first party shall pay the sum of Rs. 2 lacs on 28.04.2016 positively. The above sum shall be handed over by way of draft and it shall be paid to the second party in the Hon'ble High Court.

c) It is agreed that between the parties that the above said FIR No.144 dated 04.05.2013 shall be quashed on the basis of this agreement arrived at between the parties only after the above said payment of Rs. 2 lacs in the Hon'ble High Court.

d) It is also agreed that between the parties that in future they shall not claim anything against each other in this regard and they shall not file any litigation against each other in any Court of law regarding this dispute.

e) That they will not malign the reputation of each other by any means.

f) It is also agreed that the name of the second party shall be deleted from the memo of parties in any litigation filed against him in any Court of law including the Court at Naraingarh on the basis of this agreement.”

As per the said settlement/agreement, the petitioner was required to pay a sum of Rs.2 lacs on 28.04.2016 and the said amount was also required to be handed over by way of bank draft

to respondent No.2, namely. Amarjit Singh son of Sarwan Singh.

Accordingly, the petitioner has been handed over a bank draft bearing No.018287 dated 27.04.2016 for an amount of Rs.2 lacs, issued in the name of respondent No.2, namely. Amarjit Singh son of Sarwan Singh to learned counsel for respondent no.2 in Court today. The photocopy of the said bank draft is produced in Court today, is taken on record.

Learned counsel for respondent no.2 does not dispute the execution of the settlement and has accepted the bank draft amounting to Rs. 2 lacs in his favour without any reservation.

As per the settlement, the payment of Rs. 2 lacs satisfies the claim of the parties in its totality.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.144 dated 04.05.2013 (Annexure P1) for offence under Sections 420/406 IPC, registered at Police Station, Mahesh Nagar, Ambala alongwith all subsequent proceedings arising therefrom, are quashed, qua the petitioner, in view of the settlement/agreement dated 14.03.2016 arrived at between the parties before the Mediation & Conciliation Centre of this Court.

11.05.2016
Anjal

(HARI PAL VERMA)
JUDGE