

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

CRM-M-1836 of 2017

Date of Decision: July 13,2017

Amit Kumar Garg and others

...Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:

Mr. S.K.Tripathi, Advocate
for the petitioners.

Mr. Arun Kumar, Assistant Advocate
General,Haryana

ARVIND SINGH SANGWAN, J.

Petitioners-Amit Kumar Garg, Sumit and Kamal Kishore have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.937 dated 14.9.2016, under Sections 380/420/458/506 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Gurgaon City, District Gurgaon and all consequential proceedings arising therefrom on the basis of compromise (Annexure P2).

A perusal of the FIR shows that complainant-Manju Garg has got registered the FIR on account of a

dispute regarding the sale of a shop as she entered into an agreement to sell the shop and later on, the sale deed was not got registered by the petitioners. The petition is supported by an affidavit of the complainant that she has entered into a legal and valid compromise with the petitioners-accused. She had further stated that she had settled all her civil and criminal litigation with the petitioners-accused.

Vide order dated 23.01.2017, this Court has directed the trial Court to record the statements of the parties regarding genuineness of the compromise as well as whether any accused has been declared proclaimed offender or not.

The trial Court has submitted the report dated 17.02.2017, after recording the statement of complainant-Manju Garg as well as petitioners-accused. In the statement, Manju Garg has stated that she has already got the sale deed registered and has no objection in quashing the abovementioned FIR. She has also stated that she is making the statement out of her own free will. Similar statement was made by the petitioners-accused. It is also reported that none of the accused was declared as proclaimed offenders.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that

can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court of India in "**Gian Singh vs State of Punjab and another**", 2012(4) R.C.R. (Criminal) 543 and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

Since the matter was of civil nature and has been amicably settled between the parties and the sale deed had already been executed in favour of the petitioners, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, this petition is allowed. FIR No. 937 dated 14.9.2016, under Sections 380/420/458/506 read with 34 IPC registered at Police Station Gurgaon City, District Gurgaon, and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

July 13, 2017
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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No