

257.

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

CRM-M-28710-2017

Date of decision:10.10.2017.

SURESH AND OTHERS

... Petitioners

Versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Manvender Chauhan, Advocate,
for the petitioners.

Mr. Arjun Singh Yadav, AAG, Haryana,
for respondent No.1.

Mr. Hemant Saini, Advocate, and
Mr. Talwinder Singh, Advocate,
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.444 dated 05.10.2016 under Sections 406/420 IPC, registered at Police Station Ganaur, District Sonipat (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement dated 12.07.2017 and affidavit of complainant-respondent No.2 (Annexures P-2 & P-3 respectively).

Power of attorney filed on behalf of respondent No.2, is taken on record.

This Court vide order dated 08.08.2017 had directed the

parties to appear before the Illaqa Magistrate/trial Court to get their

statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Ganaur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.09.2017 to the effect that the compromise between the parties has been effected without any pressure, undue influence and coercion.

Respondent No.2-complainant, namely, Sameer Jain, who is Director of M/s Bigjo's Infoestate Limited, Ganaur, has made his statement with regard to compromise before learned Magistrate on 01.09.2017 to the effect that in the FIR No.444 dated 05.10.2016, he has compromised the matter with the accused with his own free will and without any pressure. He has further stated that as per compromise, there is no outstanding amount between the parties and he has no objection if the FIR in question is quashed.

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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.444 dated 05.10.2016 under Sections 406/420 IPC, registered at Police Station Ganaur, District Sonipat (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/settlement dated 12.07.2017 and affidavit of complainant-respondent No.2 (Annexures P-2 & P-3 respectively).

(HARI PAL VERMA)
JUDGE

10.10.2017

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Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No