

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

Crl. Misc. No. M-33995 of 2016 (O&M)

Date of decision: March 02, 2017

Jai Bhagwan

.. Petitioners

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bikram Chaudhary, Advocate
for the petitioners.

Ms. Harpreet Kaur. A.A.G. Haryana

Mr. R.N. Lohan, Advocate
for respondent No.2.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No. 38 dated 12.01.2014 (Annexure P-1), registered for offences punishable under Sections 406, 420 and 506 of Indian Penal Code (for short 'IPC') at Police Station Jind City, along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

As per case of the prosecution, petitioner entered into agreement dated 25.07.2013 to sell 29 kanals 11 marlas of his land with complainant Ashwani Kumar and after receiving entire sale consideration of ₹1,29,28,000/- refused to execute sale deed and on inquiry complainant came to know that petitioner has already executed sale deed of that land in

favour of one Smt. Roshni Devi on 26.07.2013. When the complainant approached the petitioner, he threatened the complainant with dire consequences.

It has been submitted that the matter has since been amicably settled vide compromise, copy of which has been placed on file as Annexure P-2.

Upon notice, learned State counsel has put in appearance on behalf of respondent No.1-State and Mr. R.N. Lohan, Advocate has put in appearance on behalf of respondent No.2-complainant.

I have heard learned counsel for the parties and perused the case file.

The parties were directed to appear before the Illaqa Magistrate and get their statements recorded. The Illaqa Magistrate has sent his report dated 13.01.2017 stating therein that the compromise has been effected between the complainant and the accused(petitioner) which appears to be voluntary in nature and without any coercion or undue influence.

Learned counsel for the respondent No.2-complainant has submitted that in view of the compromise (Annexure P-2), the private respondent (complainant) has no objection if the impugned FIR (Annexure P-1) is quashed. Learned State counsel has also not disputed compromise (Annexure P-2).

In the instant case, the compromise has been effected with the intervention of the respectables and now the parties wish to live in peace and harmony.

Keeping all the above facts in view, I am of the considered

Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

In view of the above discussion, the instant petition is allowed and the impugned FIR 38 dated 12.01.2014 (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

March 02, 2017

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No