

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-34525 of 2016 (O&M)
Date of decision: 01.02.2017

Tusharika Mahajan and another .. Petitioners

Versus

State of Haryana and another .. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajinder Pal, Advocate
for Mr. Ashwani Talwar, Advocate
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Varun Sharma, Advocate
for respondent no. 2.

SURINDER GUPTA, J.(Oral)

Petitioner has filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No. 1608 dated 01.12.2015 (Annexure P-1), registered for offences punishable under Sections 406, 420, 506 read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Panipat City, District Panipat, along with all consequential proceedings arising therefrom, on the basis of the compromise dated 08.08.2016 (Annexure P-7).

Heard.

FIR was registered on the complaint of respondent no. 2 that he had entered into agreement dated 27.03.2009 with petitioners for purchase of a shop situated in Ward No. 3, Panipat. Entire sale consideration was paid to petitioners, who have presented before the complainant that the shop is free from all type of encumbrances. Later on it was found that a civil suit was pending with regard to title of shop.

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

The parties were directed to appear before the trial court to produce the compromise and get their statements recorded. The trial court has sent its report dated 19.01.2017 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any coercion and undue influence.

Learned State counsel has filed reply of Deputy Superintendent of Police (City), Panipat, which is taken on record. He has also not disputed the compromise (Annexure P-7).

Keeping all the above facts in view, I am of the considered opinion that in view of compromise between petitioners and respondent no. 2, impugned FIR should be quashed. 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 No. 1608 dated 01.12.2015 (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

February 01, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No