

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

(1)

Crl. Misc. No. M-37639 of 2017 (O&M)

Date of decision: December 15, 2017

Rajeev Gupta

.. Petitioners

Versus

State of Haryana and another

.. Respondents

(2)

Crl. Misc. No. M-43220 of 2017 (O&M)

M/s BPTP Limited and others

.. Petitioners

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Hemant Saini, Advocate
for the petitioners.

Mr. Deepak Grewal, D.A.G. Haryana

Mr. B.S. Khehar, Advocate
for respondent No.2.

SURINDER GUPTA, J.(Oral)

Both the aforementioned petitions have been filed under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.544 dated 22.12.2016 (Annexure P-1), registered for offences punishable under Sections 406, 415, 418, 420, 467, 468, 471 read with Section 120-B of Indian Penal Code (for short 'IPC') at Police Station

Rajendra Park, Gurgaon, along with all consequential proceedings arising therefrom, on the basis of settlement deed (Annexure P-2).

As per case of the prosecution, complainant in the year 2011 had booked a residential plot No.C-184 in BPTP promoted integrated township known as “Amstoria” in Sector-102, Gurgaon and paid a total sum of ₹1,07,91,806/- out of total payable amount of ₹1,13,56,140/-. Despite receiving almost entire payment from the complainant, the accused persons could not fulfill their promise to timely deliver the plot and the money paid by the complainant has been misused.

Learned counsel for the petitioners submits that the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-2.

Learned counsel for respondent No.2-complainant endorsed the submission of learned counsel for the petitioners and has no objection if the impugned FIR (Annexure P-1) is quashed.

Learned State counsel has also not disputed compromise (Annexure P-2). Trial court after recording statement of complainant, has sent its report dated 17.11.2017 (in CRM-M-37639-2017), stating therein that the compromise has been effected between the complainant and all the accused which appears to be voluntary in nature and without any pressure or influence.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the 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

interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, both the aforementioned petitions are allowed and impugned FIR No.544 dated 22.12.2016 (Annexure P-1), registered for offences punishable under Sections 406, 415, 418, 420, 467, 468, 471 read with Section 120-B IPC at Police Station Rajendra Park, Gurgaon, along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

December 15, 2017

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No