

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH		
Date of decision: April 21, 2017 CRM-M-46437 of 2016		
M/s R.G.V.P. Energy Sources and another		Petitioners
Versus		
State of Haryana and another		Respondents
CRM-M-8671 of 2017		
M/s R.G.V.P. Energy Sources and another		Petitioners
Versus		
State of Haryana and another		Respondents
CRM-M-8689 of 2017		
M/s R.G.V.P. Energy Sources and another		Petitioners
Versus		
State of Haryana and another		Respondents
CRM-M-8700 of 2017		
M/s R.G.V.P. Energy Sources and another		Petitioners
Versus		
State of Haryana and another		Respondents
CRM-M-8710 of 2017		
M/s R.G.V.P. Energy Sources and another		Petitioners
Versus		
State of Haryana and another		Respondents
CRM-M-8711 of 2017		
M/s R.G.V.P. Energy Sources and another		Petitioners
Versus		
State of Haryana and another		Respondents

CRM-M-46437 of 2016 and other connected cases	2
CRM-M-8712 of 2017	
M/s R.G.V.P. Energy Sources and another	Petitioners
Versus	
State of Haryana and another	Respondents
CRM-M-8713 of 2017	
M/s R.G.V.P. Energy Sources and another	Petitioners
Versus	
State of Haryana and another	Respondents
CRM-M-8716 of 2017	
M/s R.G.V.P. Energy Sources and another	Petitioners
Versus	
State of Haryana and another	Respondents
CRM-M-8717 of 2017	
M/s R.G.V.P. Energy Sources and another	Petitioners
Versus	
State of Haryana and another	Respondents
CRM-M-8776 of 2017	
M/s R.G.V.P. Energy Sources and another	Petitioners
Versus	
State of Haryana and another	Respondents
CRM-M-8781 of 2017	
M/s R.G.V.P. Energy Sources and another	Petitioners
Versus	
State of Haryana and another	Respondents
CRM-M-8787 of 2017	
M/s R.G.V.P. Energy Sources and another	Petitioners
Versus	
State of Haryana and another	Respondents

CRM-M-8820 of 2017

M/s R.G.V.P. Energy Sources and another
.....Petitioners
Versus
State of Haryana and another
.....Respondents

CRM-M-8824 of 2017

M/s R.G.V.P. Energy Sources and another
.....Petitioners
Versus
State of Haryana and another
.....Respondents

CRM-M-8826 of 2017

M/s R.G.V.P. Energy Sources and another
.....Petitioners
Versus
State of Haryana and another
.....Respondents

CRM-M-8899 of 2017

M/s R.G.V.P. Energy Sources and another
.....Petitioners
Versus
State of Haryana and another
.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Sanjeev Sharma, Senior Advocate with
Mr. Vikram Singh, Advocate for the petitioners.

Mr. Chetan Sharma, AAG Haryana.

Mr. Kuldeep Tiwari, Advocate for respondent No.2.

A.B. CHAUDHARI, J (Oral)

Replies filed by learned counsel for respondent No.2 in all
these petitions except CRM-M-46437 of 2016 today in Court, are
taken on record.

Heard learned counsel for the rival parties.

These are the petitions seeking quashing of following

FIRs:-

- (i) FIR No.376 dated 20.07.2012, under Sections 406, 420 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Thanesar City, District Kurukshetra;
- (ii) FIR No.817 dated 21.09.2012, under Sections 406, 420 of IPC, registered at Police Station Karnal Civil Lines, District Karnal;
- (iii) FIR No.412 dated 24.08.2012, under Sections 406, 420 of IPC, registered at Police Station City Sonipat, District Sonipat;
- (iv) FIR No.374 dated 25.06.2012, under Sections 420 of IPC, registered at Police Station Jind City, District Jind;
- (v) FIR No.358 dated 25.09.2012, under Sections 420, 120-B of IPC, registered at Police Station Bhiwani Civil Lines, District Bhiwani;
- (vi) FIR No.380 dated 17.08.2012, under Sections 406, 120-B of IPC, registered at Police Station Civil Lines, District Rohtak;
- (vii) FIR No.29 dated 19.01.2013, under Sections 406, 420 of IPC, registered at Police Station Faridabad Central, District Faridabad;
- (viii) FIR No.377 dated 07.07.2012, under Sections 406, 420, 467, 468, 471, 120-B of IPC, registered at Police Station Gurgaon City, District Gurgaon;
- (ix) FIR No.357 dated 23.06.2012, under Sections 420, 467, 468, 471 of IPC, registered at Police Station Hissar Civil Lines, District Hissar;
- (x) FIR No.333 dated 17.08.2012, under Sections 406, 420 of IPC, registered at Police Station City Narnaul, District Mahendergarh;
- (xi) FIR No.603 dated 17.08.2012, under Sections 420 of IPC,

registered at Police Station Sirsa City, District Sirsa;

- (xii) FIR No.326 dated 06.07.2012, under Sections 420, 409 of IPC, registered at Police Station City Palwal, District Palwal;
- (xiii) FIR No.405 dated 11.10.2012, under Sections 406, 420 of IPC, registered at Police Station Model Town Rewari, District Rewari;
- (xiv) FIR No.529 dated 17.08.2012, under Sections 420, 406 of IPC, registered at Police Station Jhajjar, District Jhajjar;
- (xv) FIR No.867 dated 05.07.2012, under Sections 420 of IPC, registered at Police Station City Panipat, District Panipat;
- (xvi) FIR No.135 dated 22.06.2012, under Sections 420 of IPC, registered at Police Station Civil Line Kaithal, District Kaithal;
- (xvii) FIR No.134 dated 25.06.2012, under Sections 420 of IPC, registered at Police Station Chandimandir, District Panchkula.

The prosecution case is that the petitioner(s) had supplied batteries other than Luminous batteries along with solar lamps when as a matter of fact that was not the condition in the agreement.

Learned State counsel submits that it is in this context, offences have been registered against the petitioner(s) in all these cases.

During the pendency of these offences or investigation, the parties are *ad idem* that the arbitration had taken place and in that consent award has also been passed and accordingly, settlement dated 21.08.2016 was arrived at and in terms of clause 6 thereof, the prosecutions were required to be withdrawn/compounded/compromised in the light of the settlement and consent award.

Learned counsel for respondent No.2 submits that by this time, 5408 batteries have been supplied. However, remaining batteries in number are 3049 and therefore, he submits that in-principle, it has been agreed to have the FIRs quashed.

Learned Senior counsel for the petitioner(s) then submits that in order to supply remaining number of batteries, a warranty has already been executed by the petitioner(s) in terms of Para 4 of the settlement and therefore, there can be no obstruction of going ahead with the clause 6 thereof regarding quashment of FIRs in question as the said settlement clause has come on record.

In my opinion, there is no question of granting any liberty of reviving any FIR or as the case may be as in the event of any breach of clause 4, fresh cause of action would always arise. In that view of the matter, following order is passed;-

ORDER

- (i) Petitions are allowed;
- (ii) FIRs in question as stated above along with consequential proceedings stand quashed by way of compounding/compromise.

(A.B. CHAUDHARI)
JUDGE

April 21, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No