

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 8110 of 2017 (O&M)

Date of decision : 11.9.2017

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ICICI Bank Limited

.....Petitioner

vs.

State of Haryana and others

.....Respondents

**Coram: Hon'ble Mr. Justice H. S. Madaan**

Present: Mr. Sandeep Suri, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Atul Aggarwal, Advocate for respondents No.2 and 3.

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**H. S. Madaan, J. (Oral)**

Petitioner – ICICI Bank Limited through Dinesh Garg, Manager has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 886 dated 3.11.2015 for offences under Sections 409 IPC, registered at Police Station Jind City, District Jind, against it, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between Dinesh Garg, co-accused Nidhi Aggarwal and complainant - Vinod - arrayed as respondent No.2.

When the petition came up for hearing on 5.4.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Haryana through State counsel, whereas respondents No.2 and 3 through Mr. Atul Aggarwal, Advocate, had put in appearance. Then

in light of the contention that parties have since effected compromise, they were directed to put in appearance before the Illaqa Magistrate to get their statements recorded with regard to compromise and the Illaqa Magistrate was directed to send a report to this Court.

Report has been received from Chief Judicial Magistrate, Jind, in terms of which complainant Vinod and accused, namely, Dinesh Garg-petitioner and Nidhi Aggarwal had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. Further complainant has stated that he has no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. It has been reported that no accused has been declared proclaimed offender in the FIR in question. Alongwith the report statement of the complainant and both the accused, in original, have been annexed.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

It is stated that the FIR was lodged on the basis of some misunderstanding which has since been sorted out.

Learned State counsel states that after investigation, Investigating officer has prepared a cancellation report which has been duly approved by the higher police officer and submitted in the Court of Illaqa Magistrate, though the Illaqa Magistrate has adjourned the case for awaiting orders passed by this Court. As a result of investigation, no offence was found to have been committed

by the accused.

Keeping in view the fact that dispute between the parties is stated to have been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “*finest hour of justice*”. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.

**( H.S. Madaan )**  
**Judge**

**11.9.2017**

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No