

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-15805-2018 (O&M)

Date of Decision: 20.07.2018

Rakesh Aggarwal & others

--Petitioners

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.S. Dadwal, Advocate for the petitioners.

Mr. P.K. Garg, A.A.G., Haryana.

Mr. Sanjeev Kumar, Advocate for
respondents no.2 & 3.

TEJINDER SINGH DHINDSA.J (Oral)

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.973 dated 20.10.2016 under sections 406, 420 I.P.C, registered at Police Station, Jhajjar, District Jhajjar, on the basis of compromise which as per counsel has been effected between the parties.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 4.5.2018 had directed the parties to appear before the Illaqa Magistrate concerned on 17.5.2018 for recording of their statements. A report with regard to veracity of the compromise was also called for.

Placed on record is a report dated 31.5.2018 of the learned C.J.M., Jhajjar and a perusal thereof would reveal that statements of the accused (petitioners herein) namely Rakesh Aggarwal, Ravi Aggarwal and Manish Aggarwal as also of the complainant party namely Sahil Deswal and Ashok Deswal have been duly recorded. Statements also stand appended along with the report dated 31.5.2018 of the learned C.J.M., Jhajjar. In the report it has been opined that a compromise has been arrived at between the

parties and without any undue influence, pressure or coercion.

Even Mr. Sanjeev Kumar, Advocate appearing on behalf of complainants/respondents no.2 and 3 makes a statement in Court that in view of the compromise having been arrived at, he would have no objection to the FIR being quashed.

Briefly it may be noticed that the FIR had been registered on the complaint of Sahil Deswal containing allegations that he had come in contact with the accused party on the basis of an advertisement issued through internet as regards a business venture in Thailand. Precise allegations are that a sum of Rs.14 lacs had been entrusted to the accused party and such amount had been misappropriated.

Learned State counsel upon instructions from ASI Rajesh Kumar informs the Court that apart from the complaint made by Sahil Deswal leading to the registration of the impugned FIR, no other complainants of a similar nature have been received against the accused party at Police Station Jhajjar.

A Full Bench of this Court in case of **Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) R.C.R (Criminal) 1052** has taken a view that in appropriate cases this Court in exercise of its power under Section 482 Cr.P.C can intervene and bring to an end the criminal prosecution in the light of a compromise that may have been effected between the parties even in relation to non-compoundable offences.

Adverting back to the facts of this case, the parties have entered into an amicable settlement and have compromised the dispute. In the light of the compromise having been effected between the parties, it would be a futile exercise for the criminal proceedings to continue as such. It would be

construed as an abuse of the process of law as also of the Court.

Accordingly, the present petition is allowed. FIR No.973 dated 20.10.2016 under sections 406, 420 I.P.C, registered at Police Station, Jhajjar, District Jhajjar and all proceedings emanating therefrom stand quashed qua the present petitioners.

Petition is allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

20.07.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No