

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

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CRM-M NO.1723 OF 2018

DATE OF DECISION: MARCH 08, 2018

Adarsh Shankla

.....Petitioner

VERSUS

State of Haryana and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sahil Goel, Advocate,
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana,
for the State-respondent No.1.

Mr. Anshul Khurana, Advocate for
Mr. Neeraj Goel, Advocate,
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This case came up for hearing on 17.01.2018, when the
following order was passed:-

*“Petitioner has approached this Court, praying for quashing
of FIR No.62, dated 22.05.2015, registered under Sections 406,
420, 504, 506 IPC at Police Station Saha, District Ambala
(Annexure P-1) and all consequential proceedings arising
therefrom on the basis of compromise dated 05.01.2018
(Annexure P-2).*

Notice of motion.

On the asking of the Court, Mr.Sharad Kumar Yadav, Deputy Advocate General, Haryana, accepts notice. Copy of the petition has been handed over to counsel for the State in Court. Mr. Neeraj Goel, Advocate, puts in appearance on behalf of respondent No.2 and acknowledges the fact that after registration of the FIR by respondent No.2 against the petitioner, a compromise dated 05.01.2018 (Annexure P-2) stands entered into between the parties.

*Counsel for the petitioner as also for respondent No.2 pray that FIR may be quashed in the light of the compromise, which has been entered into between the parties voluntarily and the dispute stands finally settled, which pertained to three cheques. Counsel for the petitioner informs the Court that proceedings under Section 82 Cr.P.C. have been initiated against the petitioner. He states that the petitioner shall appear before the Court on the date fixed i.e. **16.02.2018** and surrender to the jurisdiction of the Court and furnish bail/surety bonds to the satisfaction of the Court concerned. He also submits that the petitioner as well as respondent No.2 shall appear before the Court and give their respective statements with reference to the compromise dated 15.01.2018 (Annexure P-2).*

In case the petitioner surrenders before the trial Court on 16.02.2018, the date fixed before it, he shall be admitted to bail to its satisfaction.

In the light of the contention that the parties have entered into a compromise, they are directed to appear before the Ilqa

Magistrate/Judicial Magistrate Ist Class, Ambala, on 16.02.2018, who shall record their statements and send a report to this Court as to whether the compromise is genuine and without any pressure or undue influence.

To come up on 08.03.2018.

Copy of this order be sent to the Ilaqa Magistrate/Judicial Magistrate Ist Class, Ambala, for information and compliance.”

In compliance with the said order, the parties appeared before the Judicial Magistrate Ist Class, Ambala, on 16.02.2018 and got recorded their respective statements. On the basis of the said statements, report dated 16.02.2018 has been submitted by the Judicial Magistrate Ist Class, Ambala, wherein he has observed that the compromise between the parties is effected voluntarily without any pressure or undue influence and the same seems to be genuine.

In the light of the fact that the matter has been amicably settled and it was primarily a financial dispute between the parties, qua which their statements have also been recorded and report submitted by the Judicial Magistrate Ist Class, Ambala, who found that the compromise entered into between the parties is genuine and also keeping in view the principles laid down by judgment of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429*** and in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another***, decided on 04.10.2017, the present petition is allowed and FIR No.62 dated 22.05.2015 registered under Section 406, 420, 504, 506 IPC, at Police Station Saha, District

Ambala and all other consequential proceedings arising therefrom, are hereby quashed.

March 08, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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