

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

CRM-M-39586-2017 (O&M)

Date of decision: 06.02.2018

Samir Jain and Ors.

..... Petitioners.

VS.

State of Haryana and anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Sajjan Singh, Advocate, for respondent No.2.

ARVIND SINGH SANGWAN, J.(ORAL)

Prayer in this petition is for quashing of FIR No. No. 133 dated 28.03.2016, under Sections 406, 420 and 120-B IPC, registered at Police Station Civil Lines, District Gurgaon, alongwith all other consequential proceedings arising out of the same, on the basis compromise/settled deed dated 28.09.2017 (Annexure P2).

Vide order dated 25.10.2017, the parties were directed to appear before the trial Court for recording their statements as complainant has acknowledged the compromise/settlement deed dated 28.09.2017. However, on account of certain clarification, the parties could not appear before the trial Court for recording their statements and, thereafter, CRM-2916-2018 was filed for placing on record Addendum dated 16.01.2018 (Annexure P4) vide which the parties have further clarified the mode of payment and handing over the TDS certificate to the complainant.

On 30.01.2018, counsel for the petitioners has handed over a demand draft for a sum of Rs.45 lacs alongwith two cheques of Rs.90 lacs each and a TDS certificate of Rs.5 lacs to the counsel for respondent No.2

and case was adjourned for today.

It is brought to the notice of this Court that petitioner No. 3- Sanjeev Kumar Jain, has died on 14.02.2017.

Today, case was referred to the Mediation and Conciliation Centre of this Court for recording the statements of the parties in pursuance of compromise and to acknowledge that the compromise effected between the parties is valid, genuine effected with free will of the parties and is without any coercion and pressure.

Both the petitioners and respondent No.2-complainant Sandeep Chillar have appeared before the Mediator alongwith their respective counsel and the Mediator has recorded the statement of respondent No.2- Sandeep to the effect that the matter has been amicably settled by way of compromise/settlement deed dated 28.09.2017 followed by Addendum dated 16.01.2018 and in pursuance thereof, the entire payment, as agreed between the parties to a total sum of Rs.4 Crores (Rs. Four Crores only) by way of various demand drafts and cheques and a TDS certificate worth Rs.25, lacs has been paid to respondent No.2-complainant by the petitioners.

The mediator, in the report dated 06.02.2018, which is taken on record as Mark "A", has also reported that the complainant has received the full and final payment of Rs.4 Crores, including TDS certificate as full and final settlement and this compromise is effected by respondent No.2 with his own free will; without any coercion, pressure.

Petitioner No.1 alongwith his Advocate and respondent No.2 alongwith his Advocate, have duly signed this settlement arrived at before the Mediation and Conciliation Centre of this Court.

As per clause (c) of the compromise/settlement dated 28.09.2017, and as per Para No.7 of Addendum dated 16.01.2018, respondent No.2-complainant has agreed to make a statement before this Court for acknowledging the compromise for the purpose of quashing of FIR on the basis of compromise.

In view of the report submitted by the Mediation Centre, it is apparent that both the parties have resolved their dispute and have decided not to litigate each other in future and the compromise is for the benefit of petitioners as well as respondent No.2. In view of the judgment of **Kulwinder Singh and others vs. State of Punjab and another, 2007 (3) RCR (Criminal) 1052**, and **Gian Singh vs. State of Punjab and another, 2012 (4) RCR (criminal), 543**, the FIR No. No.133 dated 28.03.2016, under Sections 406, 420 and 120-B IPC, registered at Police Station Civil Lines, District Gurgaon, alongwith all other consequential proceedings arising out of the same is, hereby, quashed qua petitioners Samir Jain, Siddharth Jain and Vivek Veid, subject to payment of costs of ₹10,000 to be deposited with District Legal Services Authorities, Gurgaon.

06.02.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable:		Yes/No