

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-39695-2017 in/and
CRM-M-44498-2017 (O&M)
DATE OF DECISION :- 14.03.2018

M/s. PVR Limited

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Arshdeep Singh Cheema, Advocate,
for the petitioner.

Mr. Sulinder Kumar, AAG, Haryana.

Mr. Mankeet Kumar Arya, Advocate,
for the respondent No.2.

M/s. PVR Limited and others have brought the instant petition under Section 482 Cr.P.C. for quashing of criminal complaint No.COMI/52312/17 dated 15.11.2017 filed by respondent No.2 before the Court of Learned Judicial Magistrate First Class, Gurgaon and order dated 17.11.2017 passed by the court of learned JMFC in COMI/52312/17 (the Impugned Order) pursuant to which directions were issued to Police Station Sushant Lok-I Gurgaon to register an FIR against the petitioner, i.e. FIR No.0631 dated 22.11.2017, for offences under Sections 120-B, 406 and 420 IPC, registered at above mentioned Police Station, against them, alongwith consequential proceedings arising therefrom.

When the petition came up for hearing on 22.11.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Haryana through State counsel, whereas respondent No.2 through Mr. Abhinav Sood, Advocate, had put in appearance.

During the pendency of the petition, the matter was referred to Mediation and Conciliation Centre of this Court.

As per report received from Mediation and Conciliation Centre of this Court, in terms of which all the disputes between the parties have been settled. Settlement agreement has been attached with the said report.

Learned counsel appearing for respondent No.2- Elan Buildcon Private Limited states that in view of the settlement arrived at between the parties through mediation, he has no objection if the amended petition filed by the petitioners is accepted. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties.

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

Keeping in view the fact that the dispute between the parties has 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 criminal complaint No. COMI/52312/17 dated 15.11.2017 order dated 17.11.2017 issuing directions to the to Police Station Sushant Lok-I Gurgaon to register an FIR against the petitioner, i.e. FIR No.0631 dated 22.11.2017, for offences under Sections 120-B, 406 and 420 IPC besides ancillary proceedings arising therefrom are ordered to be quashed.

(H.S. MADAAN)
JUDGE

14.03.2018
Dinesh

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