

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

CRM-M-46190-2018 (O&M)
Date of Decision:-30.11.2018

Brij Nath Gupta and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S.Rai, Senior Advocate with
Mr. Amit Jhanji, Advocate for the petitioners.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioners seek quashing of FIR No.159 dated 27.5.2013 registered under Sections 420, 406, 409, 467, 468, 471 and 120-B of Indian Penal Code, 1860 at Police Station Ballabgarh Sadar, District Faridabad on the ground that the matter has since been compromised amongst the parties.

Vide order dated 17.10.2018, the parties were directed to appear before the Illaqa Magistrate/trial Court so as to get their statements recorded qua the factum of compromise.

The report of learned JMIC Faridabad has been received to the effect that the statement of complainant Navneet Bhanot, Vinita Garg and Raj Garg have been recorded to the following effect :-

“It is stated that an FIR bearing No.159 dated 27.5.2013 under section 406, 409, 420, 467, 468, 471 and 120B IPC was registered in P.S. Sadar Ballabgarh, Faridabad for which

earlier police had submitted a cancellation report and vide order dated 21.11.2016 passed by Area Magistrate the cancellation report was rejected and the police were directed to further investigate the matter. In further investigation we have now amicably settled our dispute with the accused and do not want further proceed the case as a compromise has been arrived between us which is voluntarily and without any coercion and undue influence. We have no objection if the present FIR is quashed against the accused i.e. Madhur Mittal, Sumit Mittal and Brij Nath Gupta.”

It has also been reported that a joint statement of the accused namely Madhur Mittal, Sumit Mittal and Brij Nath Gupta had been recorded wherein they have stated that they have settled the matter with the complainant. It has specifically been opined by the learned JMIC, Faridabad that the compromise has been arrived at voluntarily without their being any threat, pressure or undue influence.

It has not been disputed by the State counsel that in the present case cancellation reports have been filed earlier which had also been ordered to be further investigated and that the last such cancellation report was filed in the Court of learned JMIC, Faridabad on 23.10.2018.

In view of the aforesaid position, especially the fact that the matter stands compromised and also in view of the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR

No.159 dated 27.5.2013 registered under Sections 420, 406, 409, 467, 468, 471 and 120-B of Indian Penal Code, 1860 at Police Station Ballabgarh Sadar, District Faridabad and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners.

30.11.2018
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(Gurvinder Singh Gill)
Judge

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