

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-46100 of 2017

Date of decision: 03.07.2018

Atul Bansal and another

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Shubhashish Kukreti, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.44 dated 10.03.2017 (Annexure P-1), registered for offences punishable under Sections 420/120-B/34 of Indian Penal Code (for short 'IPC') at Police Station Kotwali Bathinda, District Bathinda, along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

As per case of the prosecution, the accused (petitioners herein) induced complainant-respondent no.2 to part with ₹81.00 lakhs to purchase commercial site at Village Khadki Daulla, Sector 83, Opp. Jio Factory, NH-8, Gurgaon, Haryana. However, neither the said amount was returned nor the commercial site was transferred to complainant.

Learned counsel for the petitioners submits that the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-2.

Learned State counsel has not disputed compromise (Annexure P-2).

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 15.02.2018 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, the instant petition is allowed and the impugned FIR No. 44 dated 10.03.2017 (Annexure P-1), registered at Police Station Kotwali Bathinda, District Bathinda, along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

July 03, 2017

jk

(SURINDER GUPTA)
JUDGE

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