

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-46500 of 2017

DATE OF DECISION:17.05.2018

H.L. Kathuria and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Alok Mittal, Advocate
for the petitioners.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Gaurav Kathuria, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The present petition under Section 482 Cr.P.C. has been filed by petitioners, namely, H.L. Kathuria, Rajesh Kathuria, Saurabh Kathuria and Bharat Bhushan Kathuria for quashing of FIR No. 0473 dated 23.9.2016 registered under Sections 406,420 read with Section 34 IPC at Police Station Manesar, District Gurugram and all other proceedings arising therefrom, on the basis of compromise.

Learned counsel for the petitioners contends that the matter has been compromised between the parties and complainant has no objection in quashing of the FIR and other proceedings arising therefrom. Learned counsel further contends that in pursuance of order dated 7.9.2017 passed by Hon'ble the Apex Court in Special Leave to Appeal (Crl.) No. 6422 of 2017 titled as **H.L. Kathuria and others Vs. State of Haryana and another**, the petitioners deposited an amount of ₹ 4 crores with the Registry

of this Court in two installments and as per compromise the same is to be refunded to the petitioners as the property will be handed over to the complainant party. Learned counsel also contends that in pursuance of order dated 11.12.2017, both the parties appeared before the trial Court and their statements with regard to compromise were recorded, wherein, factum of compromise has been affirmed. The complainant has specifically stated that he has no objection in quashing of the FIR and other proceedings.

Learned counsel for the complainant has also affirmed the factum of compromise arrived at between the parties. He further submits that terms and conditions of the compromise will be adhered to by both the parties.

Since the matter has been compromised between the parties and both the parties have agreed to settle their dispute with certain terms and conditions and complainant has no objection in quashing of the FIR and other proceedings arising therefrom, the present petition is allowed and impugned criminal proceedings arising out of FIR No. 0473 dated 23.9.2016 registered under Sections 406,420 read with Section 34 IPC at Police Station Manesar, District Gurugram along with all subsequent proceedings arising therefrom qua petitioners, namely, H.L. Kathuria, Rajesh Kathuria, Saurabh Kathuria and Bharat Bhushan Kathuria are quashed.

However, it is directed that the amount deposited with the Registry of this Court be refunded to the petitioners on moving an appropriate application by them.

May 17, 2018

pooja

Whether speaking/reasoned

Whether reportable

(DAYA CHAUDHARY)

JUDGE

Yes

No