

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

261

CRM-M No.514 of 2018

Date of Decision: February 28th, 2018

Abhay Kumar Aggarwal and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.S. Cheema and Mr. J.S. Bedi, Senior Advocates
with Mr. Bhaskar Sharma and Barrister Rubal Garg, Advocates
for the petitioners.

Mr. Randeep Singh Rai, Senior Advocate
with Mr. Sameer Chaudhary and Abhinav Sood, Advocates
for respondent No.2-complainant.

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed by the petitioners, who are accused in FIR No.284 dated 15.10.2017 (Annexure P-1) registered under Sections 380, 406, 420, 467, 468 and 471 IPC at Police Station Bhondsi, District Gurugram, for quashing of the said FIR and all consequential proceedings arising therefrom on the basis of a compromise/settlement dated 02.01.2018 (Annexure P-2).

This case came up for hearing before this Court on 10.01.2018, when the following order was passed:-

“Notice of motion.

On the asking of the Court, Mr. Apoorv Garg, Deputy Advocate General, Haryana, accepts notice on behalf of respondent No.1-State.

Copy of the petition be handed over to the counsel for the State during the course of the day.

Mr. Abhinav Sood, Advocate, accepts notice on behalf of respondent No.2.

It is contention of learned senior counsel for the

petitioners that FIR No.284 dated 15.10.2017 under Sections 380, 406, 420, 467, 468 and 471 of IPC was registered at Police Station Bhondsi, District Gurugram, on the complaint of Sumit Nanda-respondent No.2. After the registration of the FIR, the matter has been settled between the parties amicably and the settlement agreement is dated 02.01.2018 (Annexure P-2). Counsel thus contends that as no public interest as such is involved and it is dispute primarily between two parties i.e. petitioners and respondent No.2, the FIR be quashed in the light of the said agreement.

Learned senior counsel for respondent No.2 states that respondent No.2 has no objection to the said prayer made in the petition.

In view of the above, parties are directed to appear before the Illaqa Magistrate/Duty Magistrate, Gurugram, on 05.02.2018, who shall record their statements and send a report to this Court as to whether the compromise is genuine and without any pressure or undue influence. The Magistrate shall also intimate if any of the petitioners has been declared as proclaimed offender.

Copy of this order be sent for information and compliance.

To come up before this Court on 28.02.2018.”

In pursuance to the said order, parties appeared before the Duty Magistrate/Sub Divisional Judicial Magistrate, Sohna, Gurugram, on 05.02.2018 and got recorded their respective statements. Learned Duty Magistrate/Sub Divisional Judicial Magistrate on the basis of the statements of the parties has submitted the report dated 20.02.2018, according to which, the settlement, which has been entered into between the parties dated 02.01.2018 (Annexure P-2), is effected without force or coercion, pressure or undue influence. It has further been observed that the compromise is a genuine one. None of the petitioners is a proclaimed

offender and have been granted interim bail.

Learned senior counsel for both the parties submitted that in the light of the report of the Court below, which has been referred to above, the parties have no objection in case FIR No.284 dated 15.10.2017 registered under Sections 380, 406, 420, 467, 468 and 471 IPC at Police Station Bhondsi, District Gurugram, the present petition be allowed, however, learned senior counsel for the complainant while referring to para 4 of his affidavit dated 05.01.2018 filed in this Court, submits that he has received an amount of ₹88,82,38,052/- inclusive of TDS in accordance with the settlement agreement dated 02.01.2018. The remaining amount of ₹18,96,76,000/- only inclusive of TDS is to be received by the complainant on the quashing of the present FIR which is the subject matter of this case.

Learned senior counsel for the petitioners states that they have no objection if the said amount is released to respondent No.2/complainant and shall facilitate the same.

In view of the compromise dated 02.01.2018 (Annexure P-2) which has been entered into between the parties and also in the light of the report which has been received from the Duty Magistrate, Sohna, Gurugram, dated 20.02.2018, according to which the said compromise has been found to be genuine the present petition deserves to be allowed keeping in view the ratio of the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*** as also the judgment of Supreme Court in ***Narinder Singh and others Versus State of Punjab 2014 (2) RCR (Criminal) 482***.

As the parties have amicably settled their dispute as has been stated by the

respective counsel in Court today also, the present petition is allowed.

FIR No.284 dated 15.10.2017 registered under Sections 380, 406, 420, 467, 468 and 471 IPC at Police Station Bhondsi, District Gurugram, and all consequential proceedings arising therefrom, are hereby quashed.

Petitioners shall be bound by the statement given by their counsel.

February 28th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No