

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

CRM-M-7869-2017 (O&M)

Date of Decision:10.05.2018

Rajinder and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. J.S. Dahiya, Advocate
for the petitioners.

Mr. Munish Sharma, A.A.G. Haryana.

Mr. Sanjiv Gupta, Advocate
for respondent No.2.

P.B. BAJANTHRI J. (Oral)

Petitioners have prayed for quashing of FIR No.353 dated 27.08.2015 registered under Sections 420, 447, 467, 468, 506, 120-B IPC at Police Station Madlauda, District Panipat while contending that there was already an FIR wherein they have entered into a compromise. Consequently, it was closed. Therefore, matter is covered by the decision of the Supreme Court in the case of **Damodaran P. v. State of Kerala**; 2001 (6) SCC 181.

2. Learned counsel for respondent No.2 submitted that compromise is between the petitioners and others and not with one Shri Anup Singh. Therefore, FIR cannot be quashed on the score that earlier petitioners and others have entered into a compromise in respect of FIR.

3. Perusal of the dates and events relating to transaction between the petitioners and private respondents, it is not a case of initiation of criminal proceedings since it is a civil dispute and is also pending consideration before the jurisdictional court. Unless and until some decision by the competent authority is rendered to the extent that petitioners have committed certain misdeeds so as to attract criminal action. Moreover, the

petitioner was at liberty to challenge the quashing of earlier FIR on the same set of allegation but he did not do so and initiate fresh criminal action.

4. In view of these facts and circumstances, FIR No.353 dated 27.08.2015 registered under Sections 420, 447, 467, 468, 506, 120-B IPC at Police Station Madlauda, District Panipat and consequential proceedings arising out this FIR are hereby quashed qua the petitioners.

5. Petition stands allowed accordingly.

10.05.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**