

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-10274-2018 (O&M)

Date of decision: 27.05.2019

Deepesh Shah

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navneet Singh, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

Mr. Yash Pal Gupta, Advocate
for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

In this petition, quashing of FIR No.179 dated 27.09.2017 registered under Sections 403, 406, 420, 380, 201 of the Indian Penal Code and Section 66 of the I.T. Act, 2000, at Police Station Sector 53, Gurugram, has been sought on the basis of compromise.

On 18.05.2018, the parties were directed to appear before the Mediation and Conciliation Centre attached to this Court for recording their statements. As per the report received, the statements have been recorded and the parties have stated that there is a settlement between them. The statement of petitioner-Deepesh Shah @ Deepesh Raichand Shah and Sh. Karandeep Singh Tuli on behalf of respondent No.2-company has been recorded which is part of the record. The dispute between the parties is with regard to money transaction. The entire money has already been paid.

After hearing learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482, Cr.P.C. so as to secure the ends of justice because the parties have arrived at an out of Court settlement by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052, approved by Hon'ble Apex Court in Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.179 dated 27.09.2017 registered under Sections 403, 406, 420, 380, 201 of the Indian Penal Code and Section 66 of the I.T. Act, 2000, Police Station Sector 53, Gurugram and the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

27.05.2019
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No