

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-23264 of 2018

.....

Date of decision:01.02.2019

Narender alias Niru

...Petitioner

v.

State of Haryana and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Ravinder Malik, Advocate for the petitioner.

Mr. Sharad K. Yadav, Deputy Advocate General, Haryana for
the respondent-State.

None for respondent No.2

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Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.532 dated 7.10.2017 registered at Police Station Civil Lines, Rohtak, District Rohtak for the offences under Sections 406, 420, 467, 468, 471 and 474 IPC (Annexure-P.1) on the basis of compromise (Annexure-P.2) in the interest of justice. It has further been prayed that during the pendency of present petition, further proceeding in this case may be stayed.

Notice of motion was issued in this case.

Mr. Sharad K. Yadav, learned Deputy Advocate General,

Haryana has appeared on behalf of the respondent-State and contested this

petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As this petition for quashing of FIR was filed on the basis of compromise, therefore, the parties were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Rohtak, has sent report dated 13.6.2018.

From the record, I find that the allegations in the FIR are regarding fraudulent withdrawal of ₹80,000/- from the bank account of the complainant by unknown persons from ATM of P.N.B. at Ashok Plaza Opposite Tourism. The complainant is a retired Sub-Inspector of Police, who lodged the complaint. The present petitioner has been nominated in this case being the accused.

Learned State counsel has brought it to my notice that there are other 5 FIRs registered against the present petitioner regarding the similar allegations.

Keeping in view the facts and circumstances of the present case and the fact that fraud had been played by withdrawing the money from the ATM fraudulently when there is no allegation that he is known to the complainant or the complainant has given his ATM card etc. to him. So, it is clear that the present petitioner had committed fraud by withdrawing the money from the ATMs of other persons fraudulently.

Therefore, keeping in view the facts and circumstances of the present case and nature and gravity of the offences, I do not find it a fit case

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where the FIR should be quashed on the basis of compromise. Hence, finding no merit in this petition, the same is dismissed.

February 01, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No