

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

**Crl. Misc. No. M-14147 of 2019 (O&M)
Date of decision: July 23, 2019**

Smt. Santosh

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jai Vir Yadav, Advocate
for the petitioner.

Mr. Raj Kumar Makkar, Senior DAG, Haryana.

Mr. Pawan Kumar, Advocate
for respondent Nos.2 and 3.

SURINDER GUPTA, J.(Oral)

The petitioner has filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No. 454 dated 03.11.2017 (Annexure P-1), registered for offences punishable under Sections 420, 467, 506 read with Section 120-B of Indian Penal Code (for short 'IPC') at Police Station Ferozepur Jhirka, along with all consequential proceedings arising therefrom, on the basis of the compromise by way of affidavit (Annexure P-3) (1&2).

Reply by way of affidavit of Sunil Kumar, Deputy Superintendent of Police, Ferozepur on behalf of respondent No. 1 filed by learned State counsel today in the Court is taken on record.

The FIR was registered against the petitioner and other persons namely Vijay Pal, Prem Raghav and Mogi for cheating the private

respondents of ₹1.30 Crores by executing sale deed of land measuring 79 Kanals 14 Marlas situated in village Shakarpuri, Tehsil Ferozepur Jhirka, District Nuh, despite the fact that a civil suit was pending with regard to that land. At the time of sale, pendency of the case was not disclosed to the petitioner.

Learned counsel for the petitioner submits that petitioner Santosh had also purchased the land from Sunder Singh and others and she was also not disclosed about the pendency of any case regarding the land.

Learned counsel for the petitioner submits that the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-3 (1&2).

Learned counsel for respondents No.2 and 3 endorses the submission of learned counsel for the petitioner and has no objection if the impugned FIR (Annexure P-1) is quashed.

Learned State counsel has also not disputed compromise (Annexure P-3) (1&2).

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 28.03.2019 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed.

Keeping the case pending will not serve the ends of justice. The quashing

of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, the instant petition is allowed and FIR No. 454 dated 03.11.2017 (Annexure P-1), registered at Police Station Ferozepur Jhirka along with all consequential proceedings arising therefrom, qua petitioner, is quashed.

(SURINDER GUPTA)
JUDGE

July 23, 2019
Jyoti-II

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No