

CRM-M-52915-2018

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

CRM-M-52915-2018

Date of Decision:09.12.2019

Ashok Kumar @ Raj Paul

... Petitioner

Versus

U.T. Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Aakash Singla, Advocate,
for the petitioners.

Mr. Rajeev Anand, Addl. P.P. U.T. Chandigarh.

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

HARNARESH SINGH GILL, J. (Oral)

This petition has been filed for quashing of FIR No.173 dated 20.04.2009, registered at Police Station Sector 34, District Chandigarh, under Sections 419, 420 and 120-B IPC, alongwith all the consequential proceedings arising therefrom, on the basis of compromise.

Heard.

Perusal of the order dated 23.10.2013 (Annexure P-3) shows that the complainant had filed a civil suit against the present petitioner and others with regard to non-execution of agreement to sell dated 15.10.2008, which is also subject matter in the present FIR. In that civil suit, the present petitioner suffered a statement that he had entered into a settlement with

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Nirmal Kumar, complainant, and had paid Rs.25 lakh through demand draft drawn on United Bank of India. The complainant and the present petitioner also executed cancellation of agreement to sell dated 15.10.2008, on 21.10.2013. Complainant-Nirmal Kumar also suffered a statement in the civil proceedings that he had received the demand draft issued in his favour in terms of cancellation of agreement to sell dated 15.10.2008. In view of the settlement and receipt of money by complainant-Nirmal Kumar, the said suit qua complainant-Nirmal Kumar was dismissed as withdrawn.

On 26.10.2013, the suit was also dismissed as withdrawn qua complainant-Nirankar Singh, on the statement of complainant-Nirmal Kumar, being power of attorney holder of complainant-Nirankar Singh.

The said fact has not been disputed by the learned Addl. P.P. for the U.T. Chandigarh.

Moreover, learned counsel for respondent No.2 has admitted the factum of compromise between the parties and he has no objection, if the present FIR is quashed.

The present FIR has been registered with the same set of averments/allegations which are the part of the civil suit. Since the suit filed by the complainants has been got withdrawn on the basis of compromise arrived at between the petitioner and respondents No.2 and 3, therefore, the continuation of criminal proceedings against the petitioner in the present FIR, will be a futile exercise as respondents No.2 and 3 are complainants in the FIR and the petitioner is one of the accused and they are not likely to support the case of the prosecution.

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Accordingly, the present petition is allowed. FIR No.173 dated 20.04.2009, registered at Police Station Sector 34, District Chandigarh, under Sections 419, 420 and 120-B IPC, and all the subsequent proceedings arising therefrom, are quashed qua the petitioner on the basis of compromise effected between the parties in the civil suit and with no objection by respondent No.2.

09.12.2019
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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