

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-31181-2019

Date of Decision:16.11.2019

Neeraj and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: None for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Neeraj Yadav, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C.
for quashing of FIR No.69 dated 15.04.2019 under Sections 323, 34, 406,
498-A, 506 IPC, registered at Police Station Rewari Sadar, District Rewari.

On September 23, 2019, this Court had passed the following
order:-

*“Reply by way of affidavit of Mohd. Jamal, HPS, DSP, District
Rewari filed on behalf of respondent No.1-State in Court
today, is taken on record. Power of attorney filed on behalf of
respondent No.2 in Court today, is also taken on record.*

*Learned counsel for the petitioners has informed that the
petitioner No.1 is posted in Jammu and Kashmir. However, he
has submitted that father of petitioner No.1 i.e. petitioner No.2
is present. Thus, the case was passed over for some time.
Thereafter, father of petitioner No.1 has appeared in Court*

and when interacted as regards the posting of petitioner No.1, he has informed this Court that petitioner No.1 is posted somewhere in Assam. Thus, there seems to be complete variation in the posting of petitioner No.1.

Adjourned to 15.10.2019.

At this stage, without observing anything on merits of the case, but taking into consideration the conduct of petitioner No.1, he is directed to remain present in person on the next date of hearing.

Copy of this order be sent to the Commanding Officer of the Battalion, where petitioner No.1 is posted to enable him to remain present in Court on the adjourned date.”

Thereafter, vide order dated 16.10.2019, this Court had directed the parties to appear before the Mediation and Conciliation Centre of this Court on the same day.

Pursuant to the aforesaid order, the parties have appeared before the Mediator and it has been reported by the Mediation Centre that the settlement/compromise has been arrived at between the parties on 16.10.2019.

Learned counsel for respondent No.2 does not dispute the factum of settlement/compromise and admits the signatures of the complainant on it. However, he submits that in terms of the settlement, a cheque for an amount of Rs.8 lakh has been given in the name of the complainant. He states that the petitioner has given the cheque for the said amount on 08.11.2019 and now the same has been presented in the Court for encashment. However, the said cheque has not been encashed and possibly it may be encashed in the coming days.

In view of the fact that the matter has been compromised between the parties and the settlement/compromise dated 16.10.2019 has

been reduced into writing, the present petition is allowed and FIR No.69 dated 15.04.2019 under Sections 323, 34, 406, 498-A, 506 IPC, registered at Police Station Rewari Sadar, District Rewari qua the petitioners, is hereby quashed.

However, in case the complainant finds that the presented cheque has not been encashed and has been bounced for insufficient funds or for any other technical reasons, the present petition shall be deemed to have been dismissed.

November 16, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No