

CRM-M-9608-2019 (O&M)

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

**CRM-M-9608-2019 (O&M).
Decided on: February 04, 2020.**

Aman Chaudhary

.. Petitioner

VERSUS

State of Haryana and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Hoshiar Singh Jaswal, Advocate,
for the petitioner.**

Mr.Munish Sharma, AAG, Haryana.

**Mr.Sanjeev K. Sharma, Advocate,
for complainant – respondent No.2.**

JASGURPREET SINGH PURI, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C.
is for quashing of F.I.R. No.071 dated 19.03.2018, under Section 420,
IPC, registered at Police Station Pinjore, District Panchkula (Annexure
P1) and all subsequent proceedings arising therefrom on the basis of
compromise (Annexure P2).

The present FIR was lodged at the behest of respondent

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No.2 – complainant that when he went to ATM situated at Main Bazar, Pinjore, to withdraw the money, the petitioner had cheated him and took away Rs.80,000/- by using his ATM card. Thereafter, the present FIR was lodged under Section 420 IPC.

Learned counsel for the petitioner submits that in view of the compromise (Annexure P2), the matter has been amicably settled between the parties and that since this matter does not fall in the category of serious and heinous offence, he prays that the FIR qua the petitioner be quashed on the basis of compromise.

State has filed the reply and has described the incident in the affidavit. Learned State counsel, on instructions from the official assisting him, submits that, in fact, it is not a case which falls within the category of serious and heinous offence.

Learned counsel representing the complainant – respondent No.2, submits that the amicable settlement has been arrived at between the petitioner and complainant – respondent No.2 and he has no objection in case the FIR is quashed.

On 01.07.2019, this Court after issuing notice of motion had directed the parties to appear before the trial Court/Illaq Magistrate on 30.4.2019, for getting their statements recorded and it was further directed that after recording of the statements, the learned trial Court/Illaq Magistrate, would send a report to this Court regarding the genuineness of the compromise well before the fixed before this Court.

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In pursuance to above order, a report has been received from the learned Sub Divisional Judicial Magistrate, Kalka, which is reproduced as under:-

“Statements of the parties i.e. complainant Bhajan Singh and accused Aman Chaudhary, in case FIR No.071 dated 19.03.2018, under Section 420 of IPC, Police Station, Pinjore, District Panchkula, have been recorded regarding compromise between them. There is one complainant and one accused in the present case.

Perusal of the statements of the parties and compromise EX.C1 show that they have amicably settled the matter after arriving at a compromise and settlement, voluntarily and without any fear or pressure from any side.

The original statements of the parties are being sent with the present report for your kind perusal along with copy of compromise EX.C1.”

It has been stated in the report that the matter has been compromised between the parties amicably and voluntarily and without any fear or pressure from any side.

I have heard the learned counsel for the parties and have gone through the report sent by the learned Sub Divisional Judicial Magistrate, Kalka as well as the record of the case also.

In the present case, the allegations were with regard to cheating the petitioner of a sum of Rs.80,000/-, which has now been

compromised between the parties amicably and voluntarily.

It is a settled law that in case the offence does not fall within the category of serious and heinous crime, then in the facts and circumstances of the case, the FIR can be quashed as no useful purpose would be served in case the litigation is dragged on.

Thus, following the judgment in Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052 as well as Gian Singh Versus State of Punjab and others (2012) 10 SCC 303, this petition is allowed and F.I.R. No.071 dated 19.03.2018, under Section 420, IPC, registered at Police Station Pinjore, District Panchkula and all subsequent proceedings arising therefrom on the basis of compromise are quashed qua the petitioner on the basis of compromise.

February 04, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No