

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

115

CRM-M-25502-2020

Date of Decision : 01.09.2020

Sahil Gupta

..... Petitioner

VS

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr.Rishav Jain, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Quashing of FIR No. 117 dated 12.08.2019, under Section 420 IPC, registered at Police Station, Division No.4, Patiala (Annexure P-1) and subsequent proceedings arising therefrom, are being sought on the basis of compromise dated 12.08.2020 (Annexure P-2).

FIR (Annexure P-1) was registered on the basis of statement made by Amit Jain-respondent No.2 to the effect that he is a practicing advocate. The accused assured him for purchase of Shop No.16 (double storied). The entire cost of this shop was paid to the accused. The accused got the sale deed of this shop attested in his name. The accused assured him that construction is going on and he is bound to give possession within two months. But after a lapse of two months, no shop was constructed. Even the accused has raised illegal construction on the spot which was demolished by the Nagar Nigam, Patiala. He requested the accused number of times either to return the amount which he had taken from him or the

constructed shop may be handed over to him. Earlier the accused delayed the matter but now he has flatly refused to return the amount and threatened that he may do whatever he wants to do as he will not give any money nor any shop. Rather the accused threatened to eliminate him. In this background, the FIR was registered.

Notice of motion.

On asking of the Court, Mr. Hittan Nehra, Addl.A.G., Punjab, accepts notice on behalf of the State and on instructions from ASI Tejinder Singh has informed the Court that the matter has been duly compromised between the parties. He further states that challan has been presented in this case and no one is in custody and there is no cross version case.

At this stage, Mr. Nitesh Singla, Advocate has put in appearance on behalf of respondent No.2 and states that the matter has been amicably resolved as per compromise (Annexure P-2).

A perusal of the compromise deed dated 12.08.2020 (Annexure P-2) shows that the compromise has been effected voluntarily, without any pressure, coercion and with free will of the parties. They have no objection if the FIR (Annexure P-1) is quashed. Photocopy of Aadhaar card of Amit Jain-Complainant (respondent No.2) has been attached.

Keeping in view the prevailing Covid-19 situation and the fact that the compromise has been effected between the parties vide compromise deed dated 12.08.2020 (Annexure P-2), whereby they have decided to get the FIR quashed, it is a fit case where there is no impediment in the way of the Court to exercise its inherent powers under Section 482 Cr.P.C. for quashing of FIR in the interest of justice. Consequently, in view of the judgments passed by the Hon'ble Supreme Court in **Madan Mohan Abbot**

vs. State of Punjab 2008(4) SCC 582, and the law laid down by the Full Bench of this Court in the case of Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (Crl.) 1052, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No. 117 dated 12.08.2019, under Section 420 IPC, registered at Police Station, Division No.4, Patiala, is quashed with all consequential proceedings arising therefrom qua the petitioner.

Petition stands allowed accordingly.

01.09.2020
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(RITU BAHRI)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No