

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.28556 of 2020 (O&M)
Date of Decision.23.11.2020
(Heard through VC)

Ramesh Bhati

...Petitioner

Vs

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Munish Soni, Advocate
for the petitioner.

Ms. Gagandeep Kaur, AAG, Haryana.

Mr. Dharamvir Sharma, Advocate
for the complainant.

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JAISHREE THAKUR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.858 dated 12.12.2018 registered under Sections 171-A, 406, 420, 467, 468, 471 IPC at Police Station DLF Sector 29, District Gurugram (Annexure P-1) and all other consequential proceedings arising therefrom in view of the compromise/affidavit dated 17.01.2020 (Annexure P-2).

2. The FIR has been registered on the statement of complainant on the allegations of fraud of Rs.32,24,000/- committed upon him by the accused-petitioner and several other persons. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate 1st Class, Gurugram stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Haryana on instructions from the Investigating Officer and Mr. Dharamvir Sharma, Advocate for the complainant admit the factum of compromise and the counsel for the respondent-State submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record.

6. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

7. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.858 dated 12.12.2018

registered under Sections 171-A, 406, 420, 467, 468, 471 IPC at Police Station DLF Sector 29, District Gurugram (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioner.

(JAISHREE THAKUR)
JUDGE

November 23, 2020

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No