

CRM-M No.30668 of 2020

Date of Decision : 05.11.2020

Mohd. Shahvar

...Petitioner

Versus

State of Haryana and another

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Ms. Savita Devi, Advocate for the petitioner.
 Mr. Surender Singh, Asstt. A.G., Haryana.
 Mr. Satvinder Singh Sisodhia, Advocate for the complainant.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.381 dated 17.03.2020 registered under Section 380 IPC (to which Sections 381 & 411 IPC were added later on) at Police Station City Jagadhari, District Yamuna Nagar, on the basis of compromise (Annexure P-3) dated 10.07.2020.

3. Learned counsel for the petitioner contends that due to some misunderstanding the complainant had apprehension that the petitioner had misappropriated stock of medicines lying in his godown, as a result of which, the aforementioned FIR was registered but now with the intervention of business associates and prevailing of good senses amongst the parties, a compromise (Annexure P-3) dated 10.07.2020 has been recorded between the complainant and the petitioner and the complainant

4. Learned counsel relies upon the decision of a Co-ordinate Bench of this Court in CRM-M No.5081 of 2011, decided on 01.06.2011 in case titled as 'Pankaj Mehra and others versus State of Punjab and another', wherein FIR under Sections 381, 411 and 120-B IPC registered against the petitioners therein was quashed on the basis of compromise.

5. Learned State Counsel on the basis of reply filed, states that there is no cross case, no P.O. proceedings are pending and although challan has been presented on 02.09.2020 yet charges have not been framed. However, he does not have any objection, if the aforementioned FIR and all consequential proceedings arising thereto are quashed qua the petitioner on the basis of compromise (Annexure P-3) dated 10.07.2020. Likewise, learned counsel for respondent No.2 also states that he has no objection, if the aforementioned FIR and all consequential proceedings arising thereto qua the petitioner are quashed on the basis of compromise (Annexure P-3) dated 10.07.2020. Reference is also made to the decision of Hon'ble the Supreme Court in 'Madan Mohan Abbot versus State of Punjab', 2008(2) RCR (Crl.) 429, a case involving quashing of FIR under Section 406 IPC i.e. a non compoundable offence. Relevant extract of the same is reproduced as under :-

xxx xxx xxx xxx

“no useful purpose would be served in continuing with the proceedings in the light of the compromise and also in the light of the fact that the complainant has, on 11th January 2004, passed away and the possibility of a conviction being recorded

has thus to be ruled out. We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford.”

xxx xxx xxx xxx

6. Accordingly, in view the decision of Hon’ble the Supreme Court in ‘**Madan Mohan Abbot’s** case (*supra*) as well of this Court in ‘**Pankaj Mehra’s case (supra)**’ FIR No.381 dated 17.03.2020 registered under Section 380 IPC to which Sections 381 & 411 IPC were added later on at Police Station City Jagadhari, District Yamuna Nagar and all consequential proceedings arising thereto qua the petitioner are quashed as no useful purpose would be served by prolonging the litigation in view of compromise (Annexure P-3) dated 10.07.2020.

7. Petition ***disposed of*** in the aforementioned terms.

(B.S. Walia)
Judge

November 05, 2020

‘Rajneesh-Amit’

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