

271 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

SMRITI  
2020.03.05 09:39  
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CRM-M-44922-2019  
Date of Decision: 03.03.2020

Ankit Kaushik and Others ... Petitioners  
vs.  
State of Haryana and Anr .. Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Raja Sharma, Advocate  
for the petitioners.

Mr. Sulinder Kumar, AAG, Haryana.

Mr. Adish Gupta, Advocate  
for respondent No.2.

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VIVEK PURI, J.(ORAL)

Briefly, FIR bearing No.0074 dated 04.02.2019 under Sections 420/406/467/468/471 and 120-B IPC has been registered at Police Station Sector-7, Faridabad on the allegations with regard to supplying of duplicate mobile phone, for which an online order was placed by respondent No.2, by the petitioner(s).

On 22.10.2019, notice of motion was issued and parties were directed to appear before the trial Court/Illaq Magistrate for getting their statements recorded with regard to the compromise arrived at between them.

Pursuant to above-said order dated 22.10.2019, report has been received from the Judicial Magistrate 1<sup>st</sup> Class, Faridabad, the relevant portion whereof reads as under

*“1. It is submitted that as per FIR there are five accused namely M/s Zookr Online Business company, M/s Pickrr Technology Pvt. Ltd., Gaurav Mangla, Ankit Kaushik and Rhitiman Mazumder who is also managing Director of M/s Pickrr Technology.*

*2. As per statement of Investigating Officer and accused, none of accused has been declared proclaimed offender.*

3. *I am of the considered opinion that genuine compromise has been entered between the complainant and accused persons voluntarily, without any coercion or undue influence. Hence the compromise is genuine and voluntary.*

4. *As per statement of accused and Investigating Officer, there is no criminal proceeding pending against accused persons.*

5. *The statement of Investigating Officer was recorded who stated that as per FIR, there are five accused i.e. (I) M/s Zookr Online Business company, (ii) M/s Pickrr Technology Pvt. Ltd., (iii) Gaurav Mangla, (iv) Ankit Kaushik and (v) Rhitiman Mazumder all Directors in M/s Zookr Online Business Company. Mr. Rajesh Kumar is complainant in FIR. No other victim/person got recorded statement before Investigating Officer.”*

It has been stated that no other criminal case is registered against any of the petitioner.

In view of said circumstances and following the Full Bench judgment of this Court in ***Kulwinder Singh and others Vs. State of Punjab and others 2007(3) R.C.R. (Criminal) 1052***, the present petition is allowed. FIR bearing No. 0074 dated 04.02.2019 under Sections 420/406/467/468/471 and 120-B IPC registered at Police Station Sector-7, Faridabad and all the consequential proceedings having arisen therefrom are hereby quashed qua the petitioners.

03.03.2020  
smriti

(VIVEK PURI)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No