

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

Sr.No.217

CRM-M No. 33898 of 2019

Date of Decision: 04th August, 2021

Bhushan Bhardwaj & Others

...Petitioners

Versus

State of Punjab & Others

..Respondents

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Narinder S. Lucky, Advocate,
for the petitioners.

Ms. Samina Dhir, DAG, Punjab.

Mr. Anhul Singh, Advocate,
for respondents No.2 & 3.

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MEENAKSHI I. MEHTA, J.

By way of the instant petition, the petitioners have invoked the jurisdiction of this Court under Section 482 Cr.P.C for seeking the quashing of the FIR bearing No.131 dated 18.06.2016 registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib, under Sections 406, 420, 120-B IPC as well as the subsequent proceedings arising therefrom, while averring that the parties have arrived at a compromise qua their dispute in the said case.

Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that the petitioners had purchased goods worth Rs.99,47,875/- from the complainants through their firms out of which, the amount of Rs.39,83,094/- was still outstanding against them and they

(petitioners) issued two cheques towards the part payment of the above-said amount but the same were dishonoured by the bank due to insufficient funds in the concerned bank account.

Vide the order dated 24.01.2020 passed by this Court, the parties had been directed to appear before the trial Court/Illaq Magistrate on or before 12.02.2020 for recording their statements in respect of the compromise/settlement. In pursuance of this order, Sub Divisional Judicial Magistrate, Amloh, recorded their statements and has submitted his report (which is already on the file) mentioning therein that the compromise arrived at between the parties is genuine and valid and the same is not the result of any pressure or coercion in any manner. The copies of the statements of both the parties, and the Investigating Officer named Kuldeep Singh SI, have also been annexed with the said report.

I have heard learned counsel for the petitioners as well as learned State counsel and learned counsel for the complainant, in this petition and have perused the file thoroughly.

As per the above-said report and the statement of the Investigating Officer, there are only three accused persons, i.e the present petitioners and two complainants named Nikhil Gupta and Nilesh Gupta, i.e respondents No.2 and 3, in the subject FIR and it has also been mentioned in the report that none of the petitioners has been declared proclaimed offender and no other criminal case is pending against them.

Hon'ble the Supreme Court has categorically observed in **Gian Singh vs. State of Punjab and another (2012) 4 RCR (Criminal)**.

543, as under:-

“.....certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.....”

From the afore-discussed allegations as levelled in the subject FIR, it is explicit that the genesis of the dispute between the parties lies in the monetary/business transactions. The said compromise has been effected to put the said dispute between them at rest for all the times to come which would promote the peaceful, harmonious and cordial relations between them. It being so, there are bleak chances of the conviction of the petitioners and in these circumstances, the continuation of the proceedings in the case arising out of the subject FIR

would be an exercise in futility.

Keeping in view all the above-discussed facts and circumstances as well as the observations as made by the Apex Court in *Gian Singh's case (supra)*, the FIR bearing No.131 dated 18.06.2016 registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib, under Sections 406, 420, 120-B IPC, as well as the subsequent proceedings arisen therefrom (if any) are hereby quashed.

The petition in hand stands allowed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

04.08.2021.
seema

Whether speaking/reasoned	Yes
Whether Reportable	No