

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1476-2019 (O&M)

Date of Decision: 21.02.2022

Geeta Aggarwal and others

....Petitioner(s)

Versus

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Keshav Pratap Singh, Advocate, for the petitioners.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

Mr. Vishal Singh, Advocate, for
Mr. Pratham Sethi, Advocate, for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 191 dated 28.02.2018, under Sections 120-B, 420 and 506 IPC, registered at Police Station Hisar City, District Hisar and all other subsequent proceedings arising therefrom, based upon compromise Annexure P-2.

Learned counsel for the petitioners has submitted that in the present case there was a financial dispute between the petitioners and the private respondent No.2 and there were dealings pertaining to trade and thereafter, a dispute arose between the parties and consequently three FIRs were lodged against the petitioners and there were other litigations also pending between the parties. Thereafter, in one of the cases the petitioners

had filed an anticipatory bail before this Court bearing CRM-M-30996-2018 in which the parties were referred to the Mediation and Conciliation Centre of this Court and thereafter both the parties appeared before the Mediation and Conciliation Centre of this Court and an amicable settlement was arrived at between both the parties vide Annexure P-2 dated 28.11.2018. In the settlement of the parties not only the present FIR was the subject matter but the other two FIRs alongwith all the other litigations were the subject matter and the entire litigation was settled between the parties. The terms and conditions were also laid down in para No.7 of the compromise and the agreement has been honoured by both the parties. He further submitted that the present FIR is of the year 2018 and is still at the investigation stage and in view of the amicable settlement between the parties, no useful purpose will be served in case the further prosecution is carried on as the same would amount to an abuse of the process of law as there are very remote chances of conviction in view of the settlement. He further submitted that so far as the other two FIRs are concerned, the same have already been quashed by this Court in terms of the same compromise dated 28.11.2018. He has referred to CRM-M-1451-2019, decided on 15.03.2021 whereby FIR No.196 dated 03.03.2018 was quashed by this Court and CRM-M-759-2019 whereby FIR No.252 dated 10.05.2018 was also quashed by this Court on 15.03.2021 and the present petition is pertaining to the third FIR which is also subject matter of the same compromise and, therefore, has prayed for the quashing of the FIR. He further submitted that all the affected parties are arrayed as a party in the present petition and none of the petitioners have been declared as proclaimed offender. He further submitted that the matter may not be referred for further statement before the learned

Illaqua Magistrate in view of the compromise which has been arrived at between the parties before the Mediation and Conciliation Centre of this Court itself.

Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that so far as the compromise between the parties is concerned, the same is *inter se* between the parties and the State has no role to play. He further submitted that as per the affidavit which has been filed by the Deputy Superintendent of Police there is nothing to show that the petitioners were declared as P.O in any of the cases and he has also specifically referred to para No.12 of the affidavit and instructions from ASI Jagdish Kumar in this regard.

Mr. Vishal Singh, Advocate appearing on behalf of Mr. Pratham Sethi, Advocate, for respondent No.2 has also submitted that it is correct that the compromise has been effected between the parties amicably and all the litigations have been settled vide Annexure P-2 dated 28.11.2018 which is a compromise between the parties and it is also correct that the other two FIRs have also been quashed by this Court. He further submitted that he has no objection in case the present FIR be also quashed.

I have heard the learned counsel for the parties.

The subject matter of dispute between the parties appear to be civil in nature and it is a dispute between two parties and does not affect the society at large. The present subject matter does not come within the sphere of any heinous and serious offence. The law with regard to the quashing of the FIR based upon compromise is well settled. In case the Court while exercising power under Section 482 of the Code of Criminal

Procedure is satisfied that the further continuation of the prosecution would be an abuse of process of law in view of the compromise between the parties, then the FIR can be quashed at the threshold level. The facts of the present case suggest that the matter has since been amicably settled between the parties and, therefore, in view of the law laid down by the Hon'ble Supreme Court in '*Gian Singh Versus State of Punjab and others*' [(2012) 10 SCC 303] and a Larger Bench of this Court in '*Kulwinder Singh and others Versus State of Punjab and another*' [2007 (3) RCR (Criminal) 1052], this Court is satisfied that it will be in the interest of justice to quash the present FIR qua the petitioners.

Consequently, the present petition is allowed and FIR No. 191 dated 28.02.2018, under Sections 120-B, 420 and 506 IPC, registered at Police Station Hisar City, District Hisar and all other subsequent proceedings arising therefrom are quashed qua the petitioners.

It is directed that in case the passports of the petitioners are still with the police/learned Court, then the same shall be returned back to the petitioners unless they are so required in some other case.

21.02.2022

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking : Yes/No

Whether reportable : Yes/No