

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 4460 of 2020
Date of Decision: 25.4.2022**

M/s BPTP Ltd. and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Hemant Saini, Advocate
for the petitioners.

Mr. Sumit Gupta, Addl. A.G., Haryana.

Mr. J.S.Sandhu, Advocate
for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, filed under Section 482 Cr.P.C., the petitioners seek quashing of FIR No. 54 dated 3.11.2018 registered at Police Station BPTP, District Faridabad, constituting therein offences, under Sections 420, 467, 468, 471, 120-B IPC (Sections 467, 468, 471 IPC dropped while filing the challan under Section 173 Cr.P.C.), and, also of all the consequential proceedings arising therefrom, hence on the basis of compromise dated 27.1.2020 (Annexure P-1), arrived at between the parties.

2. When the instant petition came up before this Court on 31.1.2020, an order was made upon the learned Magistrate concerned, to make a report to this Court, with respect to the genuineness of the compromise, and, as also whether any person has been declared a proclaimed offender.

3. The afore made order by this Court on 31.1.2020, has been complied with by the learned Magistrate concerned, and, the elicited report has been placed on record. A perusal of the report, transmitted to this Court, by the learned Magistrate concerned, reveals that the settlement/compromise, arrived at *inter se* the petitioners, and, the respondent No. 2, is a sequel of both, being *ad idem* qua it, besides the compromise/settlement being a sequel of no pressure or coercion, being exercised upon each other. Therefore, the learned Magistrate has reported that the settlement/compromise, depended upon by the petitioners, for seeking quashing of the FIR (supra), is both voluntary, and, genuine.

4. Since, the offence(s) carried in the FIR (supra), are compoundable, and, also when a valid compromise has been entered into, *inter se*, the accused petitioners, and, the respondent(s)-complainant, besides when the learned State Counsel, on instructions given to him by SI Sandeep, has stated, that after presentation of a report under Section 173 Cr.P.C., before the learned Magistrate concerned, the charges have been framed but the prosecution evidence has not opened. Moreover, since he has also stated, at the bar, that the charge drawn against the accused concerned, is only with respect to commission of an offence, as, carried in Section 420 IPC.

5. Bearing in mind the above, and, also bearing in mind the jointly made statement, at the bar, by the learned counsels concerned, that the compromise concerned, upon which dependence is made by the concerned, is, compositely drawn. Therefore, the offence under Section 420 IPC is compoundable with the leave of the Court.

6. Consequently, the present petition is allowed, and, the FIR

(supra), and, also all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SURESHWAR THAKUR)
JUDGE

April 25, 2022
Gurpreet

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