

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

Date of decision: 18.5.2022

I

CRM-M-12111-2021 (O&M)

Himanshu Gupta

...Petitioner

Versus

State of Haryana and another

...Respondents

II

CRM-M-10901-2021 (O&M)

Sagar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Vibhor Bansal, Advocate, for the petitioner(s).

Ms. Aditi Girdhar, AAG, Haryana.

Mr. S.S.Aviraj, Advocate, for respondent No.2.

KARAMJIT SINGH, J. (Oral)

This order shall dispose of the aforesaid two petitions as the same arises from the same FIR.

Prayer in these petitions is for quashing of FIR No.0500 dated 11.8.2020 registered under Sections 380, 457 IPC at Police Station Yamuna Nagar City, District Yamuna Nagar on the basis of compromise (Annexure P-4).

The above stated FIR was registered on the statement of the

complainant/respondent No.2-Vikas Kaushik with regard to theft committed in his shop.

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Chief Judicial Magistrate, Yamuna Nagar at Jagadhri along with statements of the parties has been received in CRM-M-10901-2021, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties.

Learned counsel for the petitioner(s) and for respondent No.2 are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

In view of above, nothing remains to be adjudicated further in the present case. Thus, continuation of the criminal proceedings between the parties would be a futile exercise and sheer wastage of time of the Court and thus, amount to abuse of process of law.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another**, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, both these petitions are allowed and FIR No.0500 dated 11.8.2020 registered under Sections 380, 457 IPC at Police Station Yamuna Nagar City, District Yamuna Nagar and all the subsequent proceedings are hereby quashed qua both the petitioners only.

(**KARAMJIT SINGH**)
JUDGE

May 18, 2022

Paritosh Kumar

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