

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-16967-2022 (O&M)
Date of Decision:-8.9.2022

Vikas Jain and another ... Petitioners

Versus

State of Punjab and another ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Ritu Pathak, Advocate with
Mr. Gaurav Pathak, Advocate for the petitioners.

Mr. Luvinder Sofat, DAG, Punjab.

Mr. D.K. Prajapati, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

CRM-16533-2022

In view of the reasons mentioned in the application, the same is allowed and the applicants/petitioners are permitted to amend the petition in view of changed circumstances i.e. a compromise having been taken place amongst the parties. The amended petition annexed with the application is taken on record.

Notice of the amended petition to the respondents.

On asking of the Court, Mr. Luvinder Sofat, DAG, Punjab, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State.

Mr. D.K. Prajapati, Advocate representing the complainant also accepts notice on behalf of the complainant.

CRM-M-16967-2022 (Main Case)

1. The petitioners have approached this Court seeking quashing of FIR No.116, dated 11.6.2021, Police Station City Rupnagar, under Sections 406, 420 of Indian Penal Code and all subsequent proceedings emanating therefrom on the basis of a compromise effected between the parties.
2. The allegations, in nutshell against the petitioners, are that the petitioners, who are Directors of 'M/s Sparkling Star Infra Private Limited Company', had received an amount of Rs.12 lakhs from the complainant with a promise to allot him a plot in a colony to be developed by the said company. However, despite having received the said amount, the accused did not offer any plot to the complainant.
3. The petitioners have also filed a separate petition i.e. CRM-M-36562-2021 in this Court seeking grant of anticipatory bail, during the course of which the parties were referred to Mediation and Conciliation Center of this Court, wherein the matter has been amicably resolved amongst the parties, as would be evident from the settlement/agreement dated 12.7.2022. As per the said agreement/settlement, the accused had agreed to pay an amount of Rs.1 lakh apart from the amount of Rs.12 lakhs, which already stood paid. The said petition i.e. CRM-M-36562-2021 is also fixed before this Court today at serial No.206. The said settlement has been perused by this Court.
4. Mr. D.K. Prajapati, Advocate representing the complainant has endorsed the factum of compromise and has stated that the complainant has received the entire amount and has no objection for quashing of the FIR.

5. Learned State counsel, upon a query made by this Court, has sought instructions from ASI Suresh Kumar and has informed that no other complaint is pending against the petitioners with regard to the allotment of plot and that there is no other aggrieved person in respect of similar allegations.
6. In view of the aforestated position, wherein this Court finds that the parties have amicably resolved their issues before Mediation and Conciliation Center of this Court and the entire payment as agreed to be paid to the complainant by the accused already stands paid and while also bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the instant petition is allowed and FIR No.116, dated 11.6.2021, Police Station City Rupnagar, under Sections 406, 420 of Indian Penal Code and all subsequent proceedings emanating therefrom are hereby quashed qua petitioners.

8.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No