

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

CRM-M-48846-2021
Date of Decision:-24.3.2022

VINAY SARDANA AND ANOTHER

... Petitioners

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Ms. Hapreet Kaur, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Jaspreet Singh, Advocate
for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Present petition is for quashing of FIR No.____852 dated 2.10.2014 registered under Sections 408, 420, 467, 468, 471, 120-B and Section 180 IPC at Police Station Civil Lines, District Gurugram on the basis of compromise dated 11.11.2021 (Annexure P-2) along with other consequential proceedings arising thereto.

The above stated FIR was registered on the basis of the statement of the respondent No.2-Kapil Rajpal in which he alleged that on

he was running his business under the name of the Horizon Shoppee, Civil Lines Gurugram. Petitioner No.1 was working as a sales manager while petitioner No.2 was working as store-keeper with him. Both the petitioners conspired with Labish Matta and embezzled funds of the company and thereby caused financial loss to respondent No.2.

On notice of motion, respondents 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 Judicial Magistrate Ist Class, Gurugram along with statements of the parties has been received, 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 parties 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.

I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. Also there is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of FIR in question.

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**, this petition is allowed and FIR No.852 dated 2.10.2014 registered under Sections 408, 420, 467, 468, 471, 120-B and Section 180 IPC at Police Station Civil Lines, District Gurugram on the basis of compromise dated 11.11.2021 (Annexure P-2) and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

(**KARAMJIT SINGH**)
JUDGE

24.3.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No