

CRM-M-553-2023

2023:PHHC:067720
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**251 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-553-2023
DATE OF DECISION:-10.05.2023**

Karan and others

...Petitioners.

VS.

State of Haryana and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Aditya Sanghi, Advocate,
for the petitioners.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Saurabh Sharma, Advocate for
Mr. Lokesh Sharma, Advocate,
for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.40, dated 06.10.2022, under Sections 379, 420 and 120-B IPC, Police Station Cyber Crime Police Station Hisar, District Hisar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise deed (Annexure P-2).

2. As per the allegations levelled in the FIR, the petitioners committed fraud of Rs.186140/- with the complainant. Initially, in the present FIR, the present petitioners were arrayed as accused, however, during investigation 4 others namely, Anshul, Sohail, Parveen and Nilesh were found to be involved, who have not approached this Court.

3. In pursuance to order dated 09.01.2023 passed by this Court, whereby the parties were directed to appear before the trial court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 10.02.2023 has been received from the concerned court, stating that Ojasvi Mathur-complainant as well as accused Karan, Shubham and Vipul Gupta have made their statements voluntarily, without any pressure, threat or inducement. The compromise entered into between the parties is genuine. No accused has been declared as proclaimed offender.

5. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

6. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of***

Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab

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& Anr., 2012(4) RCR (CrL.) 543.

7. Further, learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another***, passed in CRM-M-23739- 2010 decided on 27.04.2011, ***Rajinder Singh Vs. State of Punjab & another***, passed in CRM-M- 37395-2016 decided on 16.05.2017 and ***Vimal Kalra & others Vs. State of Punjab & another***, passed in CRMM-20355-2022, decided on 25.07.2022 submits that **partial quashing of the FIR is possible on the basis of a compromise.**

8. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.40, dated 06.10.2022, under Sections 379, 420 and 120-B IPC, Police Station Cyber Crime Police Station Hisar, District Hisar (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

9. Accordingly, petition stands allowed subject to payment of costs of Rs.20,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk's Association, within a period of two weeks from today.

10.05.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No