

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(251)

CRM-M-3806-2023

Date of Decision: 28.02.2023

Narender Kumar @ Narinder Khillan and ors.

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. K. V. Nanda, Advocate, for the petitioners.

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

Mr. Ashish Gupta, Advocate, for the respondents No.2 and 3.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., petitioners pray for quashing of FIR No.0375 dated 26.08.2022, registered under Sections 120-B, 384, 406, 420, 467, 468, 471, 511 IPC at Police Station Sector-7, Panchkula (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of compromise dated 02.01.2023 (Annexure P-2).

2. As per the allegations levelled in the FIR, petitioners played fraud upon the complainant by having misused the security cheques and blank signed papers, resulting into the registration of present FIR.

3. In pursuance to an order dated 24.01.2023 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 the compromise arrived at between them, a report dated 10.02.2023 has been received from the concerned court, stating that the compromise between the complainants-

Parmod Kumar Bajaj and Shubham and accused-Narender Kumar @ Narinder

Khillan, Imran Ahemad Ansari, Mohit Khillan and Sahil Khillan is valid, genuine, voluntary and without any coercion or undue influence. It also finds that FIR has also been registered against 06 accused but statement to this effect has not been recorded of the accused namely Anita Bhalla and Nasib as they were not arrayed as party in the present petition. No accused has been declared as PO. There is no other criminal case pending against the petitioners.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 & 3 have 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 petitioners. 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.

5. 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 & Anr., 2012(4) RCR (Crl.) 543.***

Further, learned counsel for the petitioner, while placing reliance

upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsingh Digvijaysingh 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 CRM-M-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

6. 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.0375 dated 26.08.2022, registered under Sections 120-B, 384, 406, 420, 467, 468, 471, 511 IPC at Police Station Sector-7, Panchkula (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners only.

8. The aforesaid order shall however, be subject to payment of costs of Rs.40,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

Petition stands disposed of

(HARKESH MANUJA)
JUDGE

28.02.2023
anil

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