

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

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CRM-M-11394-2023
Date of decision: 09.05.2023

KAPOOR SINGH AND OTHERS**...PETITIONERS****VERSUS****STATE OF HARYANA AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. S. S. Aviraj, Advocate
for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Mukul Ahuja, Advocate for
Mr. Mathur Jangra, Advocate
for respondents No.2 and 3.

VIVEK PURI, J. (ORAL)

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.300 dated 13.09.2019 under Sections 420/406/506 and 34 IPC, registered at Police Station Arya Nagar, District Rohtak and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 03.03.2023, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.

3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.

4. In compliance of the order dated 03.03.2023, learned **Judicial Magistrate 1st Class, Rohtak** has recorded the statements of the parties and

“Stated jointly that we have entered into compromise with complainants namely Smt. Rachita and Smt. Raj Bala with our sweet will and without any pressure. We have already tendered our affidavits dated 28.02.2023 before Hon’ble High Court in this regard. Now we are not at any issue with them. Hence it is prayed that matter be quashed.

Further it is stated that apart from this case, no other criminal case is pending against any of us. We have not been declared proclaimed offender/s by any Court of law. We are not absconder/s in any case.”

5. Learned counsel for the petitioners contend that as per the allegations, the petitioners had agreed to sell two shops to respondents No.2 and 3 for consideration of Rs.2,90,000/- each. The allegations in the FIR are to the effect that after receipt of the payment, the possession of the shops has not been delivered. The dispute has been amicably settled between the parties in terms of Annexure P-2. The amount received from respondents No.2 and 3 along with interest has been returned to them. The dispute has been amicably settled between the parties in terms of compromise deed dated 28.02.2022 (Annexure P-2). The parties are the residents of same village and the amicable settlement will help in maintaining cordial relations between them in future.

6. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

7. After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

8. The controversy in the instant case does not indicate that the same

villagers has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

9. For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

10. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.300 dated 13.09.2019 under Sections420/406/506 and 34 IPC, registered at Police Station Arya Nagar, District Rohtak and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

11. Resultantly, with the above-said observations made, the instant petition stands allowed.

09.05.2023
M.Sikka

(VIVEK PURI)
JUDGE

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