

CRM-M-22840-2023(O&M)

-1-

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

**CRM-M-22840-2023(O&M)
Date of decision:-08.08.2023**

Manohar Lal and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Amit Jaiswal, Advocate
for the petitioners.

Mr.R.S. Chauhan, AAG, Haryana.

Mr.Rajat Kumar, Advocate
for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.341 dated 17.7.2018, under Sections 406 and 420 IPC, registered at Police Station Baldev Nagar, Ambala City, District Ambala, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 24.3.2023 Annexure P-2, arrived at between the parties.

2. Counsel for the petitioners submits that the genesis of the dispute between the parties is a sale agreement and the dispute has been amicably settled vide compromise Annexure P2. Counsel for the petitioners submits that the petitioners have returned the money to

complainant, the parties have appeared before the trial Court and recorded their statements in support of the compromise.

3. State counsel has filed short reply by way of an affidavit of Deputy Superintendent of Police, Ambala HQ, Ambala City on behalf of the respondent No.1 – State, which is taken on record. By referring to the reply, State counsel submits that on conclusion of investigation, final report has been submitted before the Area Magistrate, charge has been framed and one prosecution witness has been examined.

4. Counsel for the complainant has admitted the factum of compromise and submits that one of the petitioners had given a cheque of the disputed amount, which was dishonoured and a complaint was instituted under Section 138 of Negotiable Instruments Act, 1881 which has been withdrawn in terms of the compromise.

5. Heard counsel for the parties.

6. Pursuant to order dated 8.5.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“As such, from statements of the parties, I am of the opinion that the compromise arrived between the complainant and all the aforesaid accused is genuine, voluntary and without any coercion or undue influence. Report in the matter alongwith original statements, compromise Ex.C1 and photostat copies of Aadhar-card of the parties are enclosed here-with for consideration of the Hon’ble High Court please.

7. Financial dispute has been amicably resolved with the intervention of the respectables and pending complaint has been withdrawn. Parties have decided to bury the hatchet.

8. In view of this development, report of the Trial Court and

judgment of the Supreme Court in *Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543* and a Full Bench of this Court in *Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.

9. Accordingly, the petition is allowed. FIR No.341 dated 17.7.2018, under Sections 406 and 420 IPC, registered at Police Station Baldev Nagar, Ambala City, District Ambala, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

08.08.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No