

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

228

CRM-M-47067 of 2017

Date of Decision: 20.01.2023

Gulshan Rai and others

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kanwaljeet Singh Derabassi, Advocate
for the petitioners.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Sohrab Dhanda, Advocate for
Ms. A.S. Manaise, Advocate for
complainant/respondent No.2.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.389 dated 21.11.2017 registered under Sections 120-B, 406, 420, 506 of the Indian Penal Code, 1860 registered at Police Station Naraingarh, District Ambala and all subsequent proceedings arising therefrom on the basis of compromise dated 02.12.2017 as (Annexure P-2).

This Court vide order dated 11.12.2017 had directed the parties to appear before the trial Court/Area Magistrate for getting their statements recorded with regard to the compromise. The Trial Court was directed to indicate as to how many total accused are facing the trial; status/stage of the trial/case; to record the statements of all the concerned parties with regard to the genuineness and validity or

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otherwise of the compromise send the report accordingly through District and Sessions Judge concerned.

Report dated 21.12.2017 of Learned Sub Divisional Judicial Magistrate, Naraingarh was received through a letter dated 25.12.2017 of Learned District & Sessions Judge, Ambala as per which both the parties had compromised the matter which was without any pressure or coercion. It has further reported that no challan and remand paper had been filed so far nor any person as an accused was facing the trial. Along with the report, the statement of the petitioners and that of the respondent No.2 – complainant Balwinder Kaur is attached.

Although respondent No.2 – complainant made a statement regarding the compromise before Learned Trial Court but before this Court reply to the petition is filed opposing the quashing of the petition on the ground that entire payment has not been made. The said contention was repelled by learned counsel for the petitioners.

Perusal of the compromise Ex.2 which was the basis of the petition reveals that matter was compromised for an amount of ₹30,00,000/- which the first party i.e. petitioners agreed to pay to the second party i.e. respondent – complainant. The compromise further reveals that an amount of ₹19,00,000/- was paid to the second party in cash at the spot, at the time of compromise whereas remaining amount of ₹11,00,000/- was to be paid to the second party prior to the recording of the statement in the Court for quashing the FIR.

The statement dated 21.12.2017 before Learned Sub Divisional Judicial Magistrate, Naraingarh by respondent – complainant Balwinder Kaur reveals that she received the balance amount of ₹11,00,000/- by way of draft. Thus entire payment of ₹30,00,000/- as per compromise (Annexure P-2) has already been received by the respondent – complainant.

The contention of respondent No.2 that in fact compromise was of ₹35,00,000/- and that ₹7,00,000/- was more to be paid, is without any substance. It appears that after settling the matter for ₹30,00,000/- respondent No.2 – complainant is now becoming greedy.

Having regard to the circumstances above, there is no justification to continue the FIR No.389 dated 21.11.2017 registered under Sections 120-B, 406, 420, 506 of the Indian Penal Code, 1860 registered at Police Station Naraingarh, District Ambala. As such the same alongwith all subsequent proceedings arising therefrom on the basis of compromise dated 02.12.2017 as (Annexure P-2), are quashed.

January 20, 2023

Neetika Tuteja

**(DEEPAK GUPTA)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No