

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

**CRM-M No.29532 of 2021 (O&M)
Date of Decision: 18.07.2023**

Sushil Kumar Kejriwal

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Varun Garg, Advocate for the petitioner.

Mr. Kiran Pal Singh, Assistant Advocate General, Haryana
for respondent No.1/State.

Mr. Mandeep K. Dhot, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0009 dated 04.01.2020 (**P-1**), under Sections 406, 420 & 120-B of the Indian Penal Code, 1860, registered at Police Station Faridabad Central along with all consequential proceedings arising therefrom on the basis of compromise dated 13.07.2021 (**P-2**), entered into between the parties, at their own level, i.e. petitioner as well as respondent No.2.

(2) The case of the prosecution is that complainant-Sahil Virmani (respondent No.2), director of M/s Mars Infra Engineer, Faridabad, entered into an Agreement to Sell dated 27.03.2015 with petitioner, who is Director of M/s Supra Farm and Leasing Limited to purchase land measuring 114 Kanal 2 Marla, situated at Village Fatehpur, District Faridabad for a total sale consideration of Rs.4,99,18,750/-. The complainant paid Rs.5 Lakh as earnest money to the petitioner, on 28.03.2015, at the time of execution of aforesaid Agreement. The complainant paid a total sum of Rs.2,70,00,000/- on different occasions.

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On request of petitioner, execution of Sale Deed was extended up to 31.12.2017.

On the said date i.e. 31.12.2017 as well as 01.01.2018, petitioner failed to execute the Sale Deed. Later on, petitioner informed the complainant that he had already sold the land in 2015 to some other person; thus, he defrauded the complainant to the tune of Rs.2,70,00,000/-.

(3) It transpires that on 24.11.2022, parties were directed to appear before learned trial Court/Illaq Magistrate for recording their statements with regard to the compromise/settlement subject to payment of costs of Rs.10,000/- and the order in main case reads as under:-

“CRM-M-29532-2021

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.9 dated 04.01.2020 registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 at Police Station Faridabad Central, District Faridabd on the basis of compromise dated 13.07.2021 arrived between the parties.

Learned Counsel for respondent No.2 admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate within 15 days from today for recording their statements with regard to compromise/settlement subject to payment of costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Faridabad. Trial Court/Illaq Magistrate is directed to submit a report before next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. Current stage of the case.*

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List on 08.02.2023. ”

(4) In pursuance of the aforesaid order, a report from learned Additional Chief Judicial Magistrate, Faridabad was received vide Memo No.2380 dated 09.12.2022 and the operative part of the same reads as under:-

' It is pertinent to mention here that in the present case, challan has not been received so far. Report regarding number of accused, stage of this case, involvement of accused in other cases and whether any accused is proclaimed offender also called from the investigating officer, on which ASI Jagdeep Kumar of police station Central, Faridabad has appeared and suffered statement, wherein it is report that except the present accused namely Sushil Kumar Kejriwal there is no other accused in this case; no accused has been declared proclaimed offender in this case; no other case is pending against the accused and challan has not been received so far. So, the pointwise reply ,as sought by Hon'ble High Court, is as under:-

(i) There is only one accused in the FIR namely Sushil Kumar Kejriwal.

(ii) No accused has been declared as proclaimed offender in this FIR.

(iii) Compromise is genuine, voluntary and without any coercion or undue influence.

(iv) The accused Sushil Kumar Kejriwal is not involved in any other case except the present one.

(v) Challan has not been received so far. '

(5) A perusal of the aforesaid report clearly reveals that the matter has been amicably settled by the parties at their own level. Further reveals that the compromise is genuine, voluntary & without any coercion or undue influence and no one has been declared as proclaimed offender. Also transpires that petitioner is the only accused in this case.

Before this Court also, there is no objection by either of the parties against each others.

(6) Learned State Counsel, on instructions from the police official concerned, submitted that challan has not been presented and no public money is involved in the present case. Also submitted that State has no objection in case the aforesaid FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties.

(7) In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not involve any public funds. Thus, quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice.

(8) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner, subject to costs of Rs.25,000/-. Costs be deposited with Advocates Welfare Fund, Punjab and Haryana High Court Bar Association, Chandigarh.

(9) Pending application(s), if any shall also stand disposed off.

July 18th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>