

257

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

**CRM-M-29897-2023 (O&M)
Date of decision :28.07.2023**

M/s Sepset Properties Private Limited and others	...	Petitioners
	<u>Versus</u>	
State of Haryana and others	...	Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sourabh Goel and Mr. Tej Bahadur, Advocates,
for the petitioners.

Mr. Vikram Singh, Assistant Advocate General, Haryana.

Mr. Pawandeep Singh, Mr. Gurmohan Singh and
Ms. Shivani Sahni, Advocates, for respondent nos.2 and 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.0425 dated 11.12.2022 (P-3), registered under Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code, at Police Station Sector 53 Gurugram, District Gurugram, along with all consequential proceedings arising therefrom on the basis of compromise dated 20.05.2023 (P-4), entered into between the parties i.e. petitioners as well as respondent Nos.2 and 3.

2. As per prosecution case, the petitioners have cheated the complainant and his wife (respondent nos. 2 and 3) for a sum of about rupees one Crore.

3. The Co-ordinate Bench, while issuing notice of motion on 06.06.2023, passed the following order:-

(Annexure P-3), registered at Police Station Sector 53 Gurugram, Haryana, under Sections 120-B, 420, 467, 468 and 471 of IPC, 1860.

Notice of motion.

On the asking of Court, Mr. Bijender Dhan Khar, Addl. AG, Haryana and Mr. Gurmohan Singh, Advocate for Ms. Shivani Sahni, Advocate accept notice on behalf of respondent No. 1 State and respondents No. 2 & 3 respectively. Power of attorney of respondents No. 2 & 3 is taken on record.

Parties may appear before learned trial Court/Illaq Magistrate concerned on 21.06.2023 or any other date convenient to said Court and get their statements recorded with regard to compromise. In the event of their statements being recorded, the Court will send copies of same to this Court before next date of hearing alongwith its report disclosing:

- i) genuineness and voluntary nature of compromise ;*
- ii) how many persons are nominated in FIR/police report;*
- iii) how many accused/victims out of total accused/victims have entered into compromise;*
- iv) if there is partial compromise, what is role of the accused;*
- v) what is stage of trial, if accused already convicted, whether appeal is pending in Appellate Court;*
- vi) whether all accused/petitioners are appearing before the Court or are on bail; and*
- vii) whether any other proceeding is pending against the accused/petitioner.*

Adjourned to 06.07.2023.

State is at liberty to file status report.”

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate 1st Class, Patiala and submitted a report dated 12.07.2023. The operative part of the same reads as under:-

“1. As per the statement of the parties i.e. complainant namely Sachin Nakai and Shruti (victim) and accused namely M/s. Sepset Properties Pvt. Ltd., Adesh Kumar Tyagi, Vijender Kumar, M/s Paras Buildtech India Pvt. Ltd., Harendra Nagar, Kunal Rishi, Rajesh Kaul and Satyavrat, the compromise appears to be genuine, voluntary, and without any coercion or undue influence.”

5. A perusal of the aforesaid report clearly reveals that matter has been compromised by both sides i.e. petitioners as well as respondent nos. 2 and 3 with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no

grievance shown by either of the parties against each other.

6. Learned State Counsel, on instructions from the police official present in the Court, also submitted that they have no objection in case the aforesaid FIR as well as 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 the FIR in question along with 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. However, as a deterrence for the future, petitioner is burdened with costs of Rs. 50,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

28.07.2023
VS

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : Yes/No

Whether reportable : Yes/No