

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-M-38394-2021

Date of decision: 03.07.2023

Mahender Kumar Goyal and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Johan Kumar, Advocate
for the petitioners.

Mr. Karan Sharma, DAG, Haryana
for respondent No.1-State.

Mr. Akshit Mehta, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.0123 dated 19.02.2020 under Sections 120-B, 406, 420, 467, 468, 471 and 506 of the Indian Penal Code, 1860 and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 (Haryana Act No.32 of 2014) registered at Police Station Ballabgarh City, District Faridabad and all the consequential proceedings arising out of the same, on the basis of compromise/affidavit dated 22.03.2021 (Annexure P-2) arrived at, between the parties.

2. Vide order dated 16.05.2023 of this Court, the parties were directed to appear before the learned Trial Court/Illaq Magistrate on 05.06.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Judicial

Magistrate First Class, Faridabad, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that she would have no objection if the FIR *qua* the accused-petitioners is quashed.

4. The Trial Court has annexed the statements of the parties in original, alongwith its report.

5. Learned State counsel too submits that there are no other accused other than the petitioners and respondent No.2 is the only aggrieved person in the FIR in question.

6. In view of the report of the learned Judicial Magistrate First Class, Faridabad and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

03.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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