

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

**CRM-M No.19857 of 2022 (O&M)
Date of decision: 01.12.2023**

Umesh Singhal and another

... Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Hemraj Bhardwaj, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana for respondent No.1.

None for respondent No.2 despite service.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.0706 dated 09.06.2017 (P-1), under Sections 406, 420 & 506 of the Indian Penal Code, 1860, registered at Police Station Panipat City, District Panipat along with all consequential proceedings arising therefrom on the basis of compromise dated 05.04.2021 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2 at their own level.

(2) Above FIR was registered by respondent No.2-Prem Chand Mittal with the allegations that petitioners borrowed an amount of ₹ 34.5 Lakh from the complainant being relative. When complainant demanded the money back, petitioners threatened him with dire consequences.

(3) It is contended by learned Counsel for the petitioners that matter has been amicably settled between the parties; therefore FIR along with consequential proceedings be quashed.

(4) *Per contra*, learned State Counsel, while making reference to the report dated 11.11.2022, received from learned Chief Judicial Magistrate, Panipat, opposed the prayer on the premise that complainant did not appear before learned trial Court for recording his statement; nor any one has come forward to acknowledge the compromise.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) The Coordinate Bench, while issuing notice of motion on 11.05.2022, passed the following order:-

“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for 21.11.2022.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application and do the needful for recording

the statements of the parties qua the factum of the compromise, on any convenient date. After recording the statements of all the affected parties, and upon getting requisite information from Investigating Officer, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded, broadly on the following aspects:

- (i) Whether there is any other accused other than the petitioners, arrayed in this petition.*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
- (iii) Whether any accused has been declared Proclaimed Offender?*
- (iv) Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?*

The report be submitted before this Court on or before the next date.”

(7) Despite the aforesaid order, respondent No.2/complainant did not come forward to record his statement before learned Chief Judicial Magistrate, Panipat; nor he has come present today either in person or through Counsel.

(8) Thus, it seems that respondent No.2 is not interested to compromise the matter. Hence, there is no option except to dismiss the petition at this stage.

(9) Ordered accordingly.

(10) However, it is made clear that the observations, made above, be not considered as an expression of opinion on the merits of the case pending before learned trial Court.

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

December 1, 2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes