

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52351-2021

Date of Decision: 23.01.2023

SHIV KUMAR TEWARI AND OTHERS ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Arvind Bansal, Advocate
for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. K.C.Rajput, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.267 dated 11.12.2019 under Sections 420/467/468/471/120-B/201 IPC registered at Police Station Kaithal Sadar, District Kaithal and all the subsequent proceedings arising therefrom on the basis of compromise.

Reply by way of affidavit of Kulwant Singh, DSP, Kaithal, on behalf of respondent No.1 has been placed on record.

On 15.12.2021, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 15.12.2021, the statements of the parties have been recorded and the learned Additional Chief Judicial Magistrate, Kaithal has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Both the parties have stated that they have mutually compromised the matter that too without any pressure and coercion. As per statement of both the parties, this case was registered by the complainant Narender Singh against total three

persons namely, Shiv Kumar Tiwari, Akbar Ali and Neha Pathak. All accused are present in the Court and have never been declared as proclaimed offender in this case.

Investigating Officer of this case also appeared before the Court and suffered his statement that accused persons have not been declared as proclaimed persons. In view of the statement of the parties, this court is satisfied that parties have voluntarily entered into the compromise which is in the interest of parties and would bring the harmony and peace between the parties. The said compromise/settlement is genuine and is not result of any pressure or coercion in any manner.”

Learned counsel for the petitioners contend that fraudulent transaction to the tune of Rs.8 lac took place on the pretext that respondent No.2 will get the amount of his LIC policies, prematurely encashed and will get full payment. It has been submitted that the dispute has been amicably settled between the parties in terms of the compromise, Annexure P-2. The entire amount which was allegedly transferred from the account of respondent No.2 to the account being maintained and operated by the petitioners has been returned to them. The petitioners are not involved in any other case much less any case pertaining to any fraudulent transaction. The amicable settlement has been effected between the parties, it will be appropriate to quash the FIR and put a quietus to the matter.

Learned counsel appearing for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case

for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

For the aforesaid view, this Court finds support from *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, upheld by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 267 dated 11.12.2019 under Sections 420/467/468/471/120-B/201 IPC registered at Police Station Kaithal Sadar, District Kaithal and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the petition stands allowed.

23.01.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No