

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

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CRM-M-52657-2022

Date of Decision: July 06, 2023

Shamit Aggarwal and others

...Petitioners

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Charanjit Singh, Advocate for the petitioners.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

Mr. Brijesh Nandan, Advocate for respondent No. 2.

N.S.SHEKHAWAT, J. (Oral)

1. At the very outset, learned counsel appearing on behalf of the petitioners submits that in compliance of order dated 07.05.2022 passed by this Court in CRM-M-16112-2022 titled as Shamit Aggarwal and another Vs. State of Haryana (Annexure P-2), petitioners No.1 and 2 had deposited an amount of Rs. 10 lacs in the FDR before the learned trial Court and same be ordered to be released in favour of petitioners No. 1 and 2.

2. At this Stage, Mr. Brijesh Nandan, learned counsel for respondent No. 2 submits that he has no objection in case the above said amount is ordered to be released in favour of the petitioners No. 1 and 2. Consequently, the learned trial Court is directed to return the above said amount to petitioners No. 1 and 2, after proper identification of the parties.

3. The instant petition has been under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.448 dated 18.11.2021 registered under Sections 406, 420 and 120-B of IPC at Police Station Chandimandir, Panchkula (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 30.09.2022 (Annexure P-4) arrived between the parties.

2. Vide order dated 08.12.2022, a Co-ordinate Bench of this Court had directed the parties to appear before the Illaqa Magistrate/trial Magistrate for getting their statements recorded with respect to the compromise dated 30.09.2022 (Annexure P-4).

3. Pursuant to aforesaid order, the parties have appeared before the learned Additional Judicial Magistrate 1st Class Panchkula and got their statements recorded. Report dated 05.07.2023 has been received whereby after recording the statements of the parties, the Court below has shown its satisfaction that the compromise is genuine, voluntary and without any coercion or undue influence.

4. I have heard counsel for the parties and gone through the case file.

5. In the light of the satisfaction shown by the Court below and considering the offence for which the accused have been charged are not of serious nature, together with the fact that compromise will go a long way in ironing out the differences for betterment of future life of the parties and also in view of the law laid down in **Gian Singh**

Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543 and Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052, the present petition for quashing the FIR is allowed qua the petitioners.

6. Resultantly, FIR No.448 dated 18.11.2021 registered under Sections 406, 420 and 120-B of IPC at Police Station Chandimandir, Panchkula (Annexure P-1) alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

July 06, 2023

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No