

119 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-57420-2023 (O&M)

Date of Decision: 20.12.2023

MANISH KUMAR TANEJA

...Petitioner

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sunny Tyagi, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

None for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 388 dated 09.07.2019, registered under Sections 406, 420, 506 of Indian Penal Code and Sections 3 and 4 of SC and ST Act 1989 at Police Station Quilla Panipat District Panipat and all subsequent proceedings arising therefrom in view of the compromise dated 12.01.2023 (Annexure P-2).

2. The FIR has been registered on the statement of complainant-Sharda Singh-respondent No. 2 against the petitioner, his wife Nisha and Surender Bathla, on the allegations of cheating, criminal breach of trust, threats and abuse by castiest words. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq

Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate Ist Class, Panipat stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Deputy Advocate General, Haryana has filed the reply dated 16.12.2023 by way of affidavit of Narender Singh, HPS, Deputy Superintendent of Police, Panipat and on instructions from the Investigating Officer admitted the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The parties have arrived at a compromise and settled their dispute. A compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a

sense of fellowship or reunion.....”

7. Consequently, keeping in view the fact that the dispute has been amicably settled between the parties and in view of the law laid down by the Hon'ble Supreme Court in **Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256, Jayaraj Singh Digvijay Singh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589, Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466 and Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 388 dated 09.07.2019, registered under Sections 406, 420, 506 of Indian Penal Code and Sections 3 and 4 of SC and ST Act 1989 at Police Station Quilla Panipat District Panipat and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

20.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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