

CRM-M-53011-2019

259 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53011-2019
DATE OF DECISION:-13.04.2023

Amit Kumar ...Petitioner.

vs.

State of Haryana and another ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Inderdeep Singh, Advocate
for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana.

Mr. Yash Pal Gupta, Advocate,
for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.179 dated 27.09.2017, under Sections 403, 406, 420, 380, 201 IPC and Section 66 of IT Act, 2000, registered at Police Station Sector 53, Gurugram (Haryana) (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise.

2. Allegations against the petitioner are that on account of a technical glitch in the software of complainant's company, he took undue advantage and withdrew money from the account of his company.

3. In pursuance to orders dated 13.12.2019 and 17.01.2023 passed by this Court, whereby the parties were directed to appear before the trial court for getting their statements recorded as regards the veracity of the

compromise arrived at between them, a report dated 22.03.2023 has been received from the concerned court, stating that the compromise between the authorized representative on behalf of complainant and the accused-Amit Kumar is genuine, voluntary and valid, as it is not the result of any undue influence or coercion. Accused-Amit Kumar has not been declared as PO, however, one another accused, namely Chetan Bala has been declared as proclaimed person.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in *Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589* and this Court in *Joginder Singh & another Vs. State of Punjab and another*, passed in CRM-M-23739- 2010 decided on 27.04.2011, *Rajinder Singh Vs. State of Punjab & another*, passed in CRM-M- 37395-2016 decided on 16.05.2017 and *Vimal Kalra & others Vs. State of Punjab & another*, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

6. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.179 dated 27.09.2017, under Sections 403, 406, 420, 380, 201 IPC and Section 66 of IT Act, 2000, registered at Police Station Sector 53, Gurugram (Haryana) (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.5000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

13.04.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No