

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.8895 of 2024 (O&M)
Date of decision: 20.02.2024

Daya Shankar and another

... Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Sukriti Kaur, Advocate for the petitioners.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C., *inter alia*, for quashing of FIR No.451 dated 30.12.2016 (P-1), under Sections 406, 420, 467, 468, 471 & 120-B of the Indian Penal Code, 1860, registered at Police Station Baldev Nagar, Ambala City, qua the petitioners, namely, Daya Shankar and Ajay Kumar, on the basis of compromise/mutual agreement dated 07.07.2022 (P-2) arrived at between the parties i.e. petitioners as well as respondent No.2.

(2) Above FIR was registered on the statement made by Charanjit Kaur (respondent No.2) with the allegations that petitioners, along with one

Ved Parkash Gupta, duped to the tune of ₹ 2,70,000/- and also forged documents on the pretext of arranging Visa of her husband-Jasbir Kumar for Malaysia.

(3) It is contended by learned Counsel for the petitioners that matter has been amicably settled between the parties i.e. petitioners as well as respondent No.2; hence, FIR along with all consequential proceedings be quashed.

(4) Heard learned Counsel for the petitioners and perused the paper-book.

(5) It transpires that on earlier occasion also, petitioners filed similar petition (CRM-M-43581-2023); but after hearing the matter, this Court was not inclined to accept the prayer. Consequently, that petition was dismissed as withdrawn on 04.09.2023 (P-5) and for reference, the order reads as under:-

“Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.451 dated 30.12.2016 under Sections 406, 420, 467, 468, 471 & 120-B of the Indian Penal Code, 1860 (for short, ‘the IPC’) at Police Station Baldev Nagar, Ambala (P-1), along with all consequential proceedings arising therefrom on the basis of compromise (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

After arguing for some time, when this Court was not inclined to accept the prayer, learned counsel for petitioners wishes to withdraw the present petition.

Ordered accordingly.”

(6) Apart that, it is a matter of record that third accused, namely, Ved Prakash Gupta has already been declared as a proclaimed offender by the Court of competent jurisdiction and learned State Counsel after obtaining instructions from quarter concerned apprised the Court that Complaint No.210 of 2016 (**Suresh Kumar Versus Ved Parkash Gupta and others**) regarding the same very allegations was clubbed with the present FIR by learned Judicial Magistrate 1st Class, Ambala (*for short “JMIC”*) on 06.12.2022.

(7) Also noteworthy that both the petitioners were charge-sheeted under Sections 120-B, 406, 420, 467, 468, 471, IPC wayback on 29.02.2020 by learned JMIC and trial is pending for prosecution evidence since then.

(8) In view of the above, no ground is made out to entertain the second petition for quashing of the impugned FIR on the basis of so called compromise.

(9) Consequently, there is no option except to dismiss the petition.

(10) Ordered accordingly.

(11) The above observations may not be construed as an expression of opinion on merits of the present case in any manner.

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

20th February, 2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes