

2024:PHHC:074691



S.No.126+230

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

Date of Decision:24.05.2024

1. CRM-M-25841 of 2024

Vikram Sharma and another	Petitioners
Vs.	
State of Punjab and another	Respondents

2. CRM-M-43368 of 2019

Vikram Sharma and another	Petitioners
Vs.	
State of Punjab and another	Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Harminder Singh, Advocate for the petitioners.
Mr. Amandeep Singh, DAG, Punjab.
Mr. Vikramjeet Singh, Advocate for respondent No.2.

DEEPAK GUPTA, J.

In CRM-M-43368 of 2019, filed under Section 482 Cr.P.C., petitioners pray for quashing of FIR No.83 dated 13.08.2018 registered at Police Station Phase-8, District SAS Nagar, Mohali, under Sections 406, 420, 120-B IPC.

In CRM-M-25841 of 2024, petitioners pray to set aside the order dated 25.02.2021, passed by learned Judicial Magistrate Ist Class, SAS Nagar, Mohali, whereby the petitioners were declared Proclaimed Offenders in case FIR No.83 (supra).

Appearance on behalf of respondent No.2 – complainant has

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been made in both the petitions. The matter was also referred to Mediation and Conciliation Centre during proceedings of CRM-M-43368 of 2019 and as per the mediation report dated 20.11.2023 received from the Mediation and Conciliation Centre of this Court, the matter has been amicably settled between the parties.

Learned counsel for the petitioners contends that there was commercial transactions between M/s Supreme Infrastructure India Limited, in which two petitioners were the directors; and M/s Pardeep Kumar and Company, in which petitioner No.2 was the Director. Due to some misunderstanding, FIR No.83 dated 13.08.2018 was registered at Police Station Phase-VIII, District SAS Nagar, Mohali under Sections 406, 420, 120-B IPC at the instance of respondent No.2. Similarly, respondent No.2 filed Civil Suit No.3069 of 2018 titled 'M/s Pardeep Kumar and Company Vs. M/s Supreme Infrastructure Limited' before learned Civil Judge (Senior Division), Chandigarh. Not only this, a criminal complaint titled 'M/s Pardeep Kumar Vs. M/s Supreme Infrastructure Limited' under Section 138 of the NI Act was also filed in the Court of learned Chief Judicial Magistrate, Chandigarh.

Learned counsel for the petitioners contends that on coming to know about the afore-said cases, petitioners approached respondent No.2 and they reached at a amicable settlement, which was reduced into writing on 30.06.2019. The dispute was settled for an amount of ₹2.44 crore. The entire amount as per the settlement was already transferred on 20.05.2019 in the account of respondent No.2 and nothing was left to be paid. In terms of the said settlement, respondent No.2 withdrew the civil suit as well as the criminal complaint under Section 138 of the NI Act, both of which were dismissed as withdrawn vide separate orders

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dated 13.07.2019 (Annexures P.3 and P.4).

Learned counsel for the petitioners further contends that the petitioners were assured that on account of settlement of the entire dispute, intimation shall be given to the Investigating Officer along with the settlement agreement and no further proceedings shall be undertaken in the FIR which will be cancelled. However, the petitioners were shocked to know that they had been declared Proclaimed Offender vide order dated 25.02.2021, despite the fact that the matter had already been settled amongst the parties. On account of the settlement, petitioners had also filed CRM-M-43368 of 2019, in which matter was again referred to Mediation and Conciliation Centre. Despite the fact that the petitioners had already paid an amount of ₹2.44 crore in view of the earlier settlement, but in order to buy peace, petitioners agreed to pay ₹10 lakhs more to respondent No.2 so as to settle all the pending disputes.

Learned counsel contends that in view of all the facts and circumstances, FIR No.83 (supra) be quashed and at the same time, order dated 25.02.2021, whereby petitioner was declared Proclaimed Offender be also quashed.

Learned State Counsel has opposed the petition. However, learned counsel for respondent No.2 – complainant concedes the factum of compromise. He also concedes the fact that entire amount as per settlement effected amongst the parties has already been received by respondent No.2. As per him, an amount of ₹5 lakhs was outstanding payable by the petitioners, which has been paid today by way of demand draft No.035669 dated 30.11.2023, which has been handed over to him by learned counsel for the petitioners and now nothing is due.

Having noticed all the afore-said facts and circumstances, the fact that settlement had in fact already taken place between the parties on 30.06.2019, there appears to be misunderstanding due to which the petitioners were declared Proclaimed Offenders in FIR case and they had to pay another amount of ₹10 lakhs to respondent No.2.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and F.I.R. in question quashed qua the petitioners, alongwith all consequent proceedings.

Taking into account all the afore-said facts and circumstances and considering the report dated 20.11.2023 of the Mediation and Conciliation Centre of this Court, both these petitions are allowed. Order dated 25.02.2021 (Annexure P.8) whereby the petitioners were declared Proclaimed Offenders during the proceedings of case FIR No.83 dated 13.08.2018 registered under Sections 406, 420, 120-B IPC at Police Station Phase-VIII, District SAS Nagar, Mohali and all the consequential proceedings arising therefrom, are quashed.

A photocopy of this order be placed on the file of connected case.

May 24, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No