



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

CRM-M-37758-2024

Date of Decision : 05.08.2024

TASHEE LAND DEVELOPERS PVT. LTD. AND OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vivek Suri, Advocate,
Mr. Dushyant Godara, Advocate and
Mr. Darpan Garg, Advocate
for the petitioners.

Mr. Rajesh Gaur, Addl.A.G., Haryana

KULDEEP TIWARI, J.(Oral)

1. The present petition has been filed seeking quashing of FIR No.194, dated 19.10.2021 (Annexure P-1), under Sections 406, 420 and 120-B of the IPC, registered at Police Station Bajghera, District Gurugram, and all the other consequential proceedings arising therefrom.
2. What surfaced from a perusal of the instant petition that one of the petitioners had approached this Court earlier by filing a petition bearing CRM-M-4036-2022, seeking similar relief, i.e. quashing of instant FIR on the basis of merits of the matter, however that petition was dismissed as having been withdrawn vide order dated 26.04.2022, however with liberty to re-access this Court by filing quashing petition on

the basis of a compromise so effected. The relevant extract of the said order reads as under:-

*“The Counsel for the petitioner submits that since the matter between the parties has been settled, he wishes to withdraw this petition with liberty to file quashing petition on the basis of compromise so effect.
Dismissed as withdrawn with liberty aforesaid.”*

3. Now again through the instant petition quashing of the instant FIR on the basis of merits of the matter, has been sought.

4. This Court has put a specific query that how does a second petition for the same cause of action, i.e. quashing of FIR on the basis merits of the matter, is maintainable, to which he answered that now the complainant has retracted from the compromise so effected. However, he is unable to satisfy this Court that the second petition for the same cause of action, which was earlier withdrawn vide order (*supra*), is maintainable.

5. In view of the facts and circumstances, the instant petition is ordered to be **dismissed**, however, liberty is granted to the petitioners to file an appropriate motion in the earlier quashing petition, which was withdrawn on the pretext of compromise.

August 05, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No