

CRM-M-46098-2023 &
connected petitions.

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126+127

2024.PHHC.111099



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-33193-2024 in/and
CRM-M-46098-2023
Date of Decision : 22.08.2024

MANPASAND BEVERAGES LTD. AND OTHERS
.....Applicant/Petitioners

VERSUS

SAR TECH. SOLUTION PVT. LTD.Respondent

2. CRM-33329-2024 in/and
CRM-M-46128-2023

MANPASAND BEVERAGES LTD. AND OTHERS
.....Applicant/Petitioners

VERSUS

SAR TECH. SOLUTION PVT. LTD.Respondent

3. CRM-33330-2024 in/and
CRM-M-46079-2023

MANPASAND BEVERAGES LTD. AND OTHERS
.....Applicant/Petitioners

VERSUS

SAR TECH. SOLUTION PVT. LTD.Respondent

4. CRM-M-56887-2023(O&M)

DHIRENDRA HANSRAJ AND OTHERS
.....Applicant/Petitioners

VERSUS

**CRM-M-46098-2023 &
connected petitions.**

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STATE OF HARYANA

.....Respondent

5.

CRM-M-56796-2023(O&M)

DHIRENDRA HANSRAJ AND OTHERS

.....Applicant/Petitioners

VERSUS

STATE OF HARYANA

.....Respondent

6.

CRM-M-56809-2023(O&M)

DHIRENDRA HANSRAJ AND OTHERS

.....Applicant/Petitioners

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ivan Singh Khosa, Advocate,
for the applicants/petitioners.

Mr. Swami Dharmendra, Advocate,
for the respondent.

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

KULDEEP TIWARI, J.(Oral)

1. Since all the petitions are arising out of a common complaint and FIR, therefore, being amenable for common decision, same are taken up together.

2. Through the instant petitions (CRM-M-46098-2023, CRM-M-46128-2023 and CRM-M-46079-2023) prayer is made for quashing of complaint cases bearing Nos. NACT/4916/2019, dated 31.07.2019,

NACT/4274/2019, dated 01.07.2019 and NACT/4273/2019, dated 01.07.2019 (annexed as Annexure P-1 in each petition), instituted under Sections 138 read with Sections 141 and 142 of the Negotiable Instruments Act, 1881, which are pending before the learned Judicial Magistrate Ist Class, Faridabad, and all other consequential proceedings arising therefrom, including summoning orders and proclamation orders, passed therein.

3. Whereas vide CRM-M-56887-2023, CRM-M-56796-2023 and CRM-M-56809-2023, the petitioners therein, seeks quashing of FIRs bearing no. 335, 336 and 337 dated 16.09.2023 (Annexure P-1), under Section 174-A of the IPC, registered at Police Station Faridabad Old, Faridabad, upon the petitioners, therein, being declared as a proclaimed persons vide order dated 05.08.2023.

4. During the pendency of the instant petitions, the matter was amicably settled between the parties concerned, and this Court vide order dated 16.07.2024, passed the following order:-

“After hearing learned counsel for the parties concerned, it transpires that the matter can be amicably settled between the parties concerned, as the counsel for the petitioner has put a proposal for returning the total amount of Rs.14,45,500/- along with interest at the rate of 9% as accounted till date, back to the complainant.

The parties are directed to file an application before this Court for compounding of offence, and the petitioner shall carry a demand draft in favour of the complainant for the amount as agreed by the petitioner on the next date of hearing.

Adjourned to 31.07.2024.

To be shown in the urgent list.

Photocopy of this order be placed on the files of other connected cases.”

5. In pursuance to the aforesaid order, an application (CRM-33193-2024, CRM-33329-2024 and CRM-33330-2024) seeking compounding of the offence under Section 482 Cr.P.C. read with Section 147 of the Negotiable Instruments Act, 1881, in view of the amicable settlement arrived at between the petitioners in all the petitions, and the complainant party (respondent), inasmuch as the petitioners have brought a demand draft bearing no.075451, dated 16.08.2024, amounting to Rs.20,91,341/- (which includes Rs.14,45,500 as principal amount+9% p.a. interest thereupon), today in the Court, to discharge their financial liability in all the aforesaid complaints. A photocopy thereof is annexed with the application as Annexure A-1, which is ordered taken on record.

6. The original of the aforesaid demand draft, is handed over to learned counsel for the complainant/respondent, in the Court itself, who admits the *factum* of compromise between the parties concerned. He further submits that, since the petitioners have discharged their liability, therefore, he has no objection in case the offence is allowed to be compounded and instant complaint alongwith all consequential proceedings arising therefrom, is quashed.

7. This court has heard learned counsel for the parties concerned, and have gone through the record with their able assistance.

8. While giving reference to the judgment of Hon'ble Supreme Court in ***Shakuntla 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.....”

9. Be that as it may, keeping in view the fact that: (i) the dispute has been amicably settled between the parties concerned, inasmuch as, the petitioners have made the payment of the entire disputed amount in all the three complaints, i.e. Rs.14,45,500/- alongwith 9% p.a. interest thereupon (total Rs.20,91,341/-), to the complainant party; (ii) the offence in question are compoundable; and (iii) compounding can be allowed at any stage, this Court deems it fit and appropriate to allow all the petitions.

10. Consequently, the instant revision petition is **allowed**, and the complaint cases bearing Nos. NACT/4916/2019, dated 31.07.2019, NACT/4274/2019, dated 01.07.2019 and NACT/4273/2019, dated 01.07.2019 (Annexure P-1 in each petition), instituted under Sections 138, read with Sections 141 and 142 of the Negotiable Instruments Act, 1881, alongwith all consequential proceedings arising therefrom, including summoning orders, and proclamation orders, passed therein, are hereby **quashed**.

11. So far as CRM-M-56887-2023, CRM-M-56796-2023 and CRM-M-56809-2023, are concerned, since the all complaints under Section 138 of the Act, have already been quashed, following payment of the due amount alongwith interest by the petitioners to the respondent/complainant, and present proceedings under section 174-A IPC, against the petitioners are consequential to the proclamation under section 82 Cr.P.C. issued in the proceedings of the said complaints, this

Court is of the opinion that the impugned FIR (*supra*), and all subsequent proceedings emanating therefrom are also liable to be quashed.

12. Accordingly, FIRs bearing no.335, 336 and 337 all dated 16.09.2023 (Annexure P-1), under Section 174-A of the IPC, registered at Police Station Faridabad Old, Faridabad, alongwith all consequential proceedings arising therefrom against the petitioners, are hereby, **quashed.**

13. All pending application(s) stand disposed of accordingly.

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

August 22, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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