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

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CRM-M-5013-2023 (O&M)
Date of Decision : 10.01.2025

M/S ARUN DEV BUILDERS LTD.

.... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr.Munish Behl, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARPREET SINGH BRAR, J. (Oral)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.1554 dated 30.09.2022 registered at Police Station Shivaji Nagar, District Gurugram, under Section 174-A IPC (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties in the original case i.e. FIR No.279/2021, under Section 406, 420 and 34 IPC registered at Police Station New Colony, District Gurugram.

2. Learned counsel for the petitioner *inter alia* contends that the impugned FIR under section 174 IPC was registered on the basis of an order passed by the District Consumer Disputes Redressal Commission, Gurgaon (for short 'District Commission') against the petitioner on 29.08.2022 in the execution proceedings initiated by respondent No2.

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Such order was challenged by the petitioner by filing an appeal before the State Consumer Disputes Redressal Commission Haryana. Thereafter during the execution proceedings, a settlement was arrived between the parties before the District Commission, annexed at Annexure P-7 and the entire amount as agreed upon has been paid to respondent No.2. The same was duly recorded in the order passed by District Commission on 23.11.2022 (Annexure P-9) as well. Further, the drill of the mandatory provision of Section 195 Cr.P.C. has not been followed in the present case, which is pre-requisite for filing of an FIR under Section 174-A IPC.

3. Learned State counsel affirms the factum of settlement. However, he could not controvert the fact that the drill of Section 195 Cr.P.C. was not followed before registering FIR(supra).

4. Having heard learned counsel for the parties and after perusing the record it appears that the matter pertaining to FIR No.279 already stands settled by the parties as the petitioner has paid the amount agreed upon to respondent No.2. As such, no useful purpose will be served if proceedings under FIR (supra) are allowed to continue. Reliance in this regard has been placed upon the judgments rendered in, ***Baldev Chand Bansal vs. State of Haryana and another CRM-M43813-2018 decided on 29.01.2019, Vikas Sharma vs. Gurpreet Singh Kohli and another 2017(3) L.A.R. 584, Microqual Techno Limited and others Vs. State of Haryana and another 2015 (32) RCR (Crl.) 790 and Rajneesh Khanna Vs. State of Haryana and another, 2017(3) L.A.R. 555.***

5. A Co-ordinate Bench of this Court in ***Vikas Gupta vs. State***

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of Haryana and others CRM-M-19636-2018 decided on 01.08.2018, while quashing the FIR under Section 174-A of the IPC, speaking through Justice Rajbir Sehrawat, has made the following observations:

“The ultimate aim, objective and goal of a legal system is to reconcile the social conflicts. Law is required only to ensure that people do not have to fight with each other just to protect their right to property, right to life and liberty and other rights secured to them by the legal system. The civil disputes are the conflicts between two parties, having lesser overtones for the social order, social harmony or the society as such. Hence absolute freedom is given to the parties to settle their disputes by compromises, of course, coming with certain legal consequences as well. However, the criminal disputes do not necessarily restrict themselves to only two parties to the dispute in terms of their scope, consequences and effect. The criminal acts tend to cast their effect and consequences even upon the society at large. Therefore, the law prescribes punishment, severe punishments and the extreme punishments, including death penalty for criminal acts.”

6. Moreover, the drill of Section 195 Cr.P.C. has not been complied with in the present case. A Co-ordinate Bench of this Court in ***Pardeep Kumar vs. State of Punjab and another*** CRM-M No. 41656 of 2023 decided on 23.08.2023, speaking through Justice Arun Monga made the following observations:

"Invoking criminal liability for the offence under section 174A of IPC:

xxx xxx xxx

xvii. Once the Court decides to proceed against the petitioner for an offence under Section 174A of the IPC, it is imperative to institute a formal written complaint in the competent jurisdictional court. This imperative arises from the prevailing provision of section 195 of the Code of Criminal Procedure, 1973 which mandates that no Court shall take cognizance of any offence

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punishable under Sections 172 to 188 (both inclusive) of the Indian Penal Code except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate."

7. In view of the facts and circumstances of the present case, this Court is of the considered opinion that once the substantive offence has been settled through compromise between the petitioner and respondent No.2, the FIR (supra) would serve no beneficial purpose to the cause of justice.

8. Accordingly, the present petition is allowed and FIR No.1554 dated 30.09.2022 registered at Police Station Shivaji Nagar, District Gurugram, under Section 174-A IPC (Annexure P-1) along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

9. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

10.01.2025

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