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**115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-8536-2024 (O&M)
Date of decision: 06.05.2025**

Amit Mittal and another

... Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Tushar Kush, Advocate, for
Mr. Akshay Kumar Jindal, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Aayush Arora, Advocate,
for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') praying for quashing of FIR No.259 dated 22.06.2023 (P-1), under Sections 406, 420, 467, 468 and 469 of the Indian Penal Code, 1860, registered at Police Station, Chandimandir, District Panchkula along with all consequential proceedings arising therefrom on the basis of compromise dated 25.01.2024 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that petitioners in connivance with government officials cheated *de facto*-complainant-Amit Aggarwal by selling his land to three persons in the year 2018-2019 on the basis of general power of attorney; whereas the land in question had already been sold to *de facto*-complainant way back in the year 2009.

3. Contends that matter has been amicably settled between the parties, i.e. petitioners as well as respondent No.2; hence FIR in question as



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well as consequential proceedings deserve to be quashed.

4. Learned counsel for respondent No.2 has also acknowledged the contention raised on behalf of the petitioners.

5. Still further, learned State Counsel, on instructions from the police officer present, is not averse in case the above FIR along with consequential proceedings are quashed and set aside on the basis of the compromise entered into between the parties.

6. Heard learned counsel for the parties and perused the paper-book.

7. A Co-ordinate Bench, while issuing notice of motion on 19.02.2024, passed the following order:-

“In view of the resolution passed by Punjab & Haryana High Court Bar Association, there is no representation on behalf of the petitioners, however, perusal of the pleadings would indicate that the present petition has been filed for quashing of FIR No. 259 dated 22.06.2023 registered under Sections 406, 420, 467, 468 and 469 of Indian Penal Code at Police Station Chandimandir, District Panchkula and all consequential proceedings arising therefrom on the basis of compromise dated 25.01.2024 (Annexure P-2).

Notice of motion.

Parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 02.04.2024. A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 13.12.2024 has been received from learned



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Additional Chief Judicial Magistrate, Panchkula. For reference, the operative part of report reads as under:-

“(i). There is any other accused other than the petitioners, arrayed in this petition;

** As per statement of IO, there are only two persons arrayed as accused in the FIR namely Amit Mittal son of Ved Parkash Mittal and Deepak Kumar son of Yag Dutt Sharma.*

(ii) There is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition;

** There is only one complainant in the present FIR namely Amit. Aggarwal son of Ashok Kumar Aggarwal.*

(iii) Whether any accused has been declared proclaimed offender;

** No accused has been declared proclaimed offender in the present case as verified by the I.O.*

(iv) Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion;

As per the statements of appearing parties i.e. complainant and accused persons above named, the compromise appears to be genuine, valid and has been effected without there being any kind of influence or coercion. Statement of complainant as well as that of accused (petitioner before the Hon'ble High Court) was recorded separately wherein they categorically affirmed the aforesaid fact. Identity of the parties was duly confirmed. Complainant categorically submitted that he has no objection if the present FIR is quashed by the Hon'ble High Court.”

A perusal of the aforesaid extract clearly reveals that matter has been compromised by both sides with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either side against each other.

9. Hon'ble the Supreme Court in **Gian Singh v. State of Punjab, (2012) 10 SCC 303**, has held as under:-

“61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the



ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

10. In view of above discussion, this Court is fully convinced that the offence is entirely personal in nature and does not involve public funds. Thus, quashing of the FIR in question along with consequential proceedings,



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on the basis of compromise would bring peace and harmony to secure the ends of justice.

11. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed *qua* the petitioners.

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

06.05.2025
Rajeev (rvs)/Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/ reasoned</i>	:	<i>Yes</i> / <i>No</i>
<i>Whether reportable</i>	:	<i>Yes</i> / <i>No</i>