

Gurdeep Singh Jaswal Vs State of Haryana

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 21, 2014

Acts Referred: Criminal Procedure Code, 1973 (CrPC) â€” Section 482
Penal Code, 1860 (IPC) â€” Section 406, 420, 467, 468, 471

Hon'ble Judges: Surinder Gupta, J

Bench: Single Bench

Advocate: Gautam Dutt, Advocate for the Appellant; Jai Naraian, DAG and Umesh Singh, Advocate for the Respondent

Final Decision: Allowed

Judgement

Surinder Gupta, J.

The petitioner has filed this petition u/s 482 Code of Criminal Procedure (for short, "Cr.P.C.") seeking quashing of the

FIR No. 184 dated 9.7.2013 (Annexure P-1), registered for offence punishable under Sections 406/420/467/468/471 IPC at Police Station

Sector 40, Gurgaon, on the basis of the compromise.

2. The FIR was got registered by the complainant-respondent No. 2 on the allegations that the petitioner who was working as Country Manager

for IC Company"s Hong Kong Limited, has committed fraud and financial loss to the company.

3. Upon notice, Mr. Jai Naraian, DAG, Haryana has put in appearance on behalf of respondent No. 1-State and Mr. Umesh Singh, Advocate has

put in appearance on behalf of respondent No. 2-complainant.

4. I have heard learned counsel for the parties and perused the case file.

5. The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 7.4.2014

stating therein that the compromise has been effected in between the complainant and the accused which appears to be voluntary in nature and

without any pressure or influence.

6. Learned counsel for the respondent No. 2-complainant has submitted that in view of the compromise/settlement deed (Annexure P/2), the

private respondent (complainant) has no objection if the impugned FIR (Annexure P/1) is quashed. Learned State counsel has also not disputed

the compromise/settlement deed (Annexure P/2).

7. The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence under Sections 467/468/471 IPC

are not compoundable. In case Kulwinder Singh and Others Vs. State of Punjab and Another, Full Bench of this Court has held that the FIR can

be quashed on the basis of the compromise by exercising inherent powers u/s 482 Cr.P.C. even if the offence is not compoundable.

8. In the instant case, the compromise has been effected with the intervention of the respectables and now the parties wish to live in peace and

harmony.

9. Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping

the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties opportunity to live in an amicable, peaceful and

harmonious atmosphere which is not only in the interest of the parties to this petition but also for their families and ultimately the society at large.

The offence in this case is not so heinous or serious that it cannot be settled by the parties through compromise.

10. In view of the above discussion, the instant petition is allowed and the impugned FIR (Annexure P-1) along with all consequential proceedings

arising therefrom is quashed.