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

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Date of decision : 03.04.2025

M/s Arun Dev Builders Ltd.

... Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

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

Ms. Ankita Ahuja, AAG, Haryana.

H.S. Grewal, J.(Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.1553 dated 30.09.2022, under Section 174-A IPC, registered at Police Station Shivaji Nagar, District Gurugram (Annexure P-6) and all consequential proceedings arising therefrom on the basis of compromise arrived at between the parties in EA No.5 of 2019 arising out of Consumer Complaint case bearing No.412 of 2017, under Sections 12 & 14 of the Consumer Protection Act, 1986.

2. Learned counsel for the petitioner, *inter alia*, contended that the impugned FIR under Section 174-A IPC was registered on the basis of an order passed by the District Consumer Dispute Redressal Commission, Gurugram on 29.08.2022 (Annexure P-4) in Execution Application No.EA-5-2019 in

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consumer complaint No.412 of 2017 filed by respondent No.2 against the petitioner-company. 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, on 23.11.2022 (Annexure P-7). A copy of the Deed of Settlement dated 05.11.2022 is 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 03.05.2023 as well. Learned counsel further contended that the mandatory provisions 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. He also submits that a similar FIR under Section 174-A IPC was registered against the petitioner in another case bearing FIR No.279/2021, under Sections 406, 420 and 34 IPC registered at Police Station New Colony, District Gurugram between the same parties which was also quashed by the Coordinate Bench of this Court in the case of 'M/s Arun Dev Builders Ltd. versus State of Haryana and another', bearing CRM-M-5013-2023, on 10.01.2025, on the basis of compromise.

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

4. I have heard learned counsel for the parties and perused the material available on record.



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5. It is manifest that the matter pertaining to a Consumer Complaint case which 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.

6. A Co-ordinate Bench of this Court in **Vikas Gupta vs. State of Haryana and others** CRM-M-19636-2018 decided on 01.08.2018, while quashing the FIR under Section 174-A of the IPC, 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



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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.”

7. Moreover, the mandatory provisions of Section 195 Cr.P.C. has not been complied with in the present case. A Coordinate Bench of this Court in the case of **Pardeep Kumar vs. State of Punjab and another**, bearing CRM-M No.41656 of 2023, decided on 23.08.2023, 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 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."

8. In light of the above, this Court is of the considered opinion that since 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.

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9. Consequently, the present petition is allowed and FIR No.1553 dated 30.09.2022, under Section 174-A IPC, registered at Police Station Shivaji Nagar, District Gurugram (Annexure P-6) arising out of EA No.5 of 2019 in Consumer Complaint case bearing No.412 of 2017, under Sections 12 & 14 of the Consumer Protection Act, 1986 and all the consequential proceedings arising therefrom, is ordered to be quashed qua the petitioner.

(H.S.GREWAL)
JUDGE

03.04.2025
A.Kaundal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No