

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

CRM-M-40991 of 2015

Date of decision: February 17, 2016

Niranjan Singh and another

...Petitioners

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Yogesh Goel, Advocate for the petitioners.
Mr. Arun Luthra, AAG, Haryana.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.17 dated 26.02.2015, registered under sections 406/420 IPC and 10/24 of Immigration Act at Police Station Jhansa, District Kurukshetra, on the basis of compromise.

Pursuant to order dated 3.12.2015, report dated 14.12.2015 has been received from the trial court, operative part of which reads as under:-

“In pursuance of order dated 3.12.2015 passed by Hon'ble High Court in CRM-M-40991-2015, papers put up before me as learned Presiding Officer Ms. Punita Bashamboo, Civil Judge (Jr. Divn)-cum-Judicial Magistrate 1st Class, Kurukshetra is on leave for today. Perused. Vide order dated 3.12.2015 passed by Hon'ble High Court in CRM-M-40991-2015, the parties were directed to appear before the Ilaqa Magistrate on or before 14.12.2015 for getting their statements recorded so as to enable the learned Court to record its satisfaction about the genuineness

of the compromise. Thereafter, the learned Illaqa Magistrate shall send his report to this Court before the next date of hearing.

In compliance of above said order passed by Hon'ble High Court, the statements of the complainant Gurmej Singh and accused Niranjan and Rupinder have been recorded by me after being satisfied that the statements have been given by the parties voluntarily and without any coercion. The complainant got his statement recorded that compromise has been effected between him and accused persons namely Niranjan Singh and Rupinder Kaur without any coercion and that now he has no complaint against the accused persons. The accused persons namely Niranjan Singh and Rupinder Kaur also got their statement recorded that compromise has been effected between them without any coercion. Now report be sent to Hon'ble High Court in pursuance of order dated 3.12.2015 immediately.”

Learned State counsel has also filed a status report by way of affidavit of Krishan Kumar, Deputy Superintendent of Police, HQ, Kurukshetra, operative part thereof reads as under:-

“2. That in compliance of the aforesaid orders, the complainant was joined in the inquiry on 27.01.2016, wherein, he got recorded his statement to the effect that the respectable persons have got his dispute compromised with the accused/petitioners and he has received his entire amount from them and no money transaction remains between them. He further stated that he has no objection if the case having been got registered by him is cancelled.

3. That the complainant also submitted an affidavit duly sworn by him before the District Notary, Kurukshetra in support of his statement got recorded by him before the Inquiry Officer. (True translated and typed copy of the affidavit is enclosed herewith as Annexure R-1. (Photostat attested of affidavit is enclosed herewith as Annexure R-2.

4. That as ascertained in the inquiry, the complainant has

received his entire amount from the accused/petitioners.”

Compromise is in the interest of the parties and after the matter has been resolved by an amicable settlement, no useful purpose is likely to be served by continuance of the criminal proceedings. In view of the above, the present FIR and the subsequent proceedings arising therefrom deserve to be quashed in light of Full Bench judgment of this court in judgment reported as *Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Crl.) 1052*.

Resultantly, the present petition is allowed. The FIR in question and the subsequent proceedings arising therefrom are quashed.

(RAJAN GUPTA)
JUDGE

February 17, 2016
'Rajpal'