

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-41188 of 2015

Date of decision: February 18, 2016.

Surinder Singh @ Chhinda

... **Petitioner**

v.

State of Haryana and others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Gaurav Grover, Advocate for the petitioner.

Mr. Yashwinder Singh, Dy. Advocate General, Haryana.

Mr. Pawan Bhardwaj, Advocate for respondent No.4.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral):

The petition is for quashing of FIR No.86 dated 20.12.2011, registered under Section 420 IPC and Section 24 of the Emigration Act, at Police Station Naggal, District Ambala, along with all consequential proceedings.

Learned Civil Judge (Jr. Division), Ambala has reported that the statements of the parties regarding the factum of compromise were recorded and submitted the same to this Court.

State has also filed the reply. In the reply, the State has raised objection to the cancellation of the FIR on the ground that Avtar Singh son of the complainant was sent abroad on study basis. On 22.4.2011, the flight of his son had taken off from Delhi for Mexico. From Mexico, he was to be sent to USA. However, Avtar Singh is missing and it appears that

Avtar Singh might have been murdered. It is also pointed out that another Civil Writ Petition bearing No.11883 of 2012 is pending on behalf of the complainant for handing over the investigation to the CBI.

In these circumstances, the compromise cannot be accepted and the matter is to be decided after considering the fact whether Avtar Singh is alive or has been done to death. It appears to be a case of human trafficking.

In these circumstances, the present petition for quashing the impugned FIR on the basis of compromise is dismissed. Let the matter be decided in CWP No.11883 of 2012.

So far as the payment of money in terms of the compromise is concerned, this Court leaves the parties where they are.

February 18, 2016.
kadyan

[Kuldip Singh]
Judge