

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

270

CRM-M No.11363 of 2017

Date of Decision: January 25th, 2018

Rashmi Negi

.....Petitioner

Versus

State of UT Chandigarh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Harsh Manocha, Advocate
for the petitioner.

Mr. Nagar Singh, Advocate
for Mr. A.S. Virk, Additional Public Prosecutor,
for UT Chandigarh.

Mr. Rajesh K. Dadwal, Advocate
for respondent No.2.

Mr. Amit Singla, Advocate
for respondent Nos.3 and 4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner, who is an accused in FIR No.333 dated 08.09.2016 under Section 24 of Immigration Act, later on added Section 420 IPC, registered at Police Station Sector 34, Chandigarh, has approached this Court for quashing this FIR along with all consequential proceedings on the basis of a compromise dated 16.03.2017 (Annexure P-1).

On 03.04.2017, when this case came up for hearing, following order was passed:-

“Prayer made in this petition is for quashing of FIR on the basis of compromise.

Notice of motion for 26.05.2017.

Mr. Rajesh K. Dadwal, Advocate appears on behalf of respondent No.2.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate on 17.04.2017 and the trial Court/Illaq Magistrate, after recording their statements,

shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.”

In pursuance to the said order, parties appeared before the Judicial Magistrate Ist Class, Chandigarh, and got recorded their statements. On the basis of the said statements, report has been received from Judicial Magistrate Ist Class, Chandigarh, according to which the Court has opined that the parties have arrived at a compromise voluntarily, without any undue influence, coercion or pressure. It has further been stated that the petitioner is not a proclaimed offender as of now.

In an application which was moved on behalf of respondents No.3 and 4 for impleadment, they have been impleaded as party to the present petition but a perusal of the FIR indicates that in the present FIR, neither they are named nor are they involved in any manner.

They may seek redressal of their grievances before the appropriate Forum in the appropriate proceedings.

In the light of the fact that a compromise has been entered into between the parties which has been found to be genuine and that the grievance having been redressed of the complainant, no useful purpose would be served by proceeding with the matter any further or for permitting the trial to continue as the challan has also yet not been presented.

Keeping in view the facts and circumstances of the present case as also the the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*** as also the judgment of Supreme Court in ***Narinder Singh and others Versus State of Punjab 2014 (2) RCR***

(Criminal) 482, the present petition is allowed and FIR No.333 dated 08.09.2016 under Section 24 of Immigration Act, later on added Section 420 IPC, registered at Police Station Sector 34, Chandigarh, and all consequential proceedings arising therefrom, are hereby quashed.

January 25th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No