

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.115

CRM-M-25668-2020

Date of decision : 2.9.2020

Malkeet Singh

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.S. Dinarpur, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

FIR No.342 dated 25.6.2020 was registered at Police Station Pehowa, District Kurukshetra, under Sections 406 and 420 IPC read with Section 10 and 24 of the Immigration Act. The allegation was that the petitioner had taken a sum of Rs.17 lacs from the complainant to send him to America, but the complainant was sent illegally leading to his arrest and final deportation.

Learned counsel for the petitioner submits that the parties have amicably settled their dispute vide a written compromise dated 6.7.2020, a copy of which has been annexed as Annexure P-2. The compromise has been entered into within a short span of time. The parties are residents of adjoining villages and if, the FIR is quashed, it would result in maintenance of peaceful relations amongst the residents of the adjoining villages and would advance object of maintenance of tranquility in society.

Notice of motion.

Mr. Munish Sharma, AAG, Haryana, accepts notice on behalf of respondent No.1-State and waives service.

Mr. Tapish Kumar Gupta, Advocate, puts in appearance on behalf of respondent No.2 and waives service.

Learned counsel for respondent No.2 admits the factum of compromise.

From the allegations in the FIR, it is evident that the grievances of the complainant/respondent No.2 are personal in nature. Compromise dated 6.7.2020 (Annexure P-2) is evidence of the fact that the grievances of respondent No.2 stand redressed. The parties are residents of adjoining villages and quashing of the FIR would serve the larger public purpose of maintenance of peace and tranquility in the area. Moreover, the fact that the parties have reached an amicable settlement within a short period of time suggests that criminal prosecution of the petitioner would amount to an abuse of the process of the law.

For the aforementioned reasons, I am of the view that FIR No.342 dated 25.6.2020 deserves to be quashed. Accordingly, the petition is allowed and FIR No.342 dated 25.6.2020 at Police Station Pehowa, District Kurukshetra, under Sections 406 and 420 IPC read with Sections 10 and 24 of the Immigration Act alongwith all consequential proceedings having arisen therefrom, is quashed qua the petitioner.

(SUDHIR MITTAL)
JUDGE

2.9.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No