

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 235

CRM-M-32992-2020

Date of decision : 16.12.2020

Gurjant Singh

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Kapil Aggarwal, Advocate, for the petitioner.

Mr.Ashok Kumar Sehrawat, DAG, Haryana.

Mr.R.K.Agnihotri, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.101 dated 16.06.2020 registered under Sections 406, 420 IPC and Section 24 of the Emigration Act (Sections 370, 384 and 120-B IPC added later on) at Police Station Nigdhu, district Karnal on the basis of a compromise dated 15.10.2020 (Annexures P-2 and P-3) entered into between the parties.

On 16.10.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Duty Magistrate/Trial Court within 30 days from the receipt of the copy of the order for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report along with the recorded statements with regard to the genuineness of the compromise between the parties as also to apprise this Court if any of the parties has been declared as proclaimed offender or if the challan has been presented or not.

As directed, report dated 11.11.2020 from the Judicial Magistrate Ist Class, Karnal has been received, as per which the parties had recorded their statements before the Trial Court in terms of the compromise arrived at between them; two accused namely Jagdish and Gurjant Singh were arrayed in the FIR and affected person is complainant-Shubham; no accused has been stated to be absconding or has been declared proclaimed offender; the compromise is genuine and the same has been executed voluntarily and out of free will by the parties.

Learned State counsel has also raised no objection if the present petition is allowed.

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR in which the offences are not heinous and where the investigation is at the initial stage as also the matter having been compromised, would be an abuse of the process of law and in terms of the law laid down by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and others*, 2007 (3) RCR (Criminal) 1052, this Court deems it just and proper to allow the petition and resultantly quash FIR No.101 dated 16.06.2020 registered under Sections 406, 420 IPC and Section 24 of the Emigration Act (Sections 370, 384 and 120-B IPC added later on) at Police Station Nigdhu, district Karnal and all proceedings arising therefrom qua the petitioner.

16.12.2020
shamsher

[DEEPAK SIBAL]
JUDGE

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