

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

204(3 cases)

Crl. Misc. No.M-30990 of 2020

Tilak Raj

...Petitioner

Versus

State of Haryana and another

...Respondents

AND

Crl. Misc. No.M-7379 of 2021

Gavish Mangla and another

...Petitioners

Versus

State of Haryana and another

...Respondents

Crl. Misc. No.M-12265 of 2020

Gavish Mangla

...Petitioner

Versus

State of Haryana

...Respondent

Date of Decision: 03.12.2021

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Sanjay Vashisth, Advocate and
Mr. Akash Vashisth, Advocate for the petitioners
in CRM-M-7379-2021 and in CRM-M-12265 of 2020.

Mr. Tarun Sharma, Advocate for
Mr. Pankaj Bali, Advocate for the petitioner in
CRM-M-30990 of 2020.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Arun Sharma, Advocate for
Mr. Deepak Sharma, Advocate for the complainant
in all three petitions.

Amol Rattan Singh, J. (Oral)

CRM-M-No.7379 of 2021 and
CRM-M-No.30990 of 2020

By these petitions, the petitioners seek quashing of FIR no.124 dated 22.02.2020, registered at Police Station Assandh, District Karnal, for the alleged commission of offences punishable under the provisions of Sections 406/420/506/120-B of the IPC (with Section 24 of the Immigration Act, 1983 having been added later), as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between them and respondent no. 2 in each petition. A copy of the compromise deed has been annexed as Annexure P-2 with each petition.

On September 20, 2021, the following order had been passed by this court, (also reproducing therein the order earlier passed by this Court on 14.07.2021):-

“xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

It is seen that in fact the third paragraph is erroneously recorded, whereas actually what has been stated in the report of the learned SDJM, Assandh, dated 16.03.2021, is to the effect that Jaswinder and Karandeep Singh, were also two persons whose consent would be required (other than respondent no.2 Manjinder Singh in each petition), if the FIR is to be quashed on the basis of any compromise reached with all concerned who were affected.

Further, it has also been stated by the learned Magistrate that the statements of other accused (other than the petitioners in these two petitions), the statements of their co-accused Surinder Singh, Virender Kumar and Shamul Haldar, have also not been recorded.

Today, Mr. Deepak Sharma, Advocate, appears for respondent no.2, Manjinder Singh, as also for Jaswinder Singh and Karandeep Singh.

He submits that the matter has been indeed compromised with them also, and that they would appear before the learned Area Magistrate to record their statements to that effect. Consequently, the aforesaid two persons are ordered to be impleaded as respondents no.3 and 4 in both these petitions, with the Registry directed to carry out the necessary corrections in the memo of parties upon counsel appearing for them to provide their addresses within one week to the Registry.

Mr. Deepak Sharma, Advocate, shall also file a power of attorney duly executed in his favour by them, before the next date of hearing.

Respondents no.3 and 4 would now appear before the learned Area Magistrate/trial court (as the case may be), up to 17.11.2021 to record their statements in terms of any compromise reached, with Manjinder Singh to also appear before that court, for all of them to state as to whether they have any objection to the FIR being quashed in toto against all accused, i.e. even those who have not filed the petition, because naturally, it is actually the complainants as are affected by the occurrence, who are to state whether they wish to continue criminal proceedings against any accused or not (if the offence is one in which the FIR can be quashed in the opinion of this court).

Adjourned to 03.12.2021.

The Area Magistrate/trial court would send her/his report in respect of any such statement recorded before the next date of hearing, after clearly establishing the identities of respondents no.2, 3 and 4.

Interim order to continue in CRM-M-12265-2020.

(A photocopy of this order be placed on the files of the each case)."

Pursuant thereto another report of the learned SDJM, Assandh, dated 12.10.2021, has been received, stating therein that Manjinder Singh, Jaswinder Singh and Karandeep Singh (respondents No. 2 to 4 in the petitions), had appeared before the Court and stated that they have entered into a compromise with the accused and that Manjinder Singh had also obtained the money in terms of the compromise deed and all of them had received their share in the money.

As per the assessment of that Court, the compromise arrived at between the parties seemed to appear to be voluntary and without any pressure or influence from any side.

That being so, looking at the nature of the offences alleged to have been committed by the petitioners, and the fact that the matter has been compromised between the petitioners and respondent no.2 in each petition, the present petitions, i.e. CRM-M-30990 of 2020 and CRM-M-7379 of 2021, are allowed and FIR no.124 dated 22.02.2020, registered at Police Station Assandh, District Karnal, for the alleged commission of offences punishable under the provisions of Sections 406/420/506/120-B of the IPC (with Section 24 of the Immigration Act, 1983 added later), along with all proceedings emanating therefrom, is hereby quashed.

CRM-M-No.12265 of 2020

As regards this petition, by which the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., in the context of the same FIR registered at Police Station Assandh, he having been admitted to interim bail earlier, now with the FIR in question already having been quashed hereinabove, obviously, this petition has been rendered infructuous and is disposed of as such.

[It is to be noticed that despite the order of this court dated 20.09.2021, directing that Jaswinder Singh and Karandeep Singh be impleaded as respondents

No. 3 and 4 in two of the petitions, with the Registry directed to carry out the necessary corrections in the memo of parties, no such corrections have been carried out by the Registry.

The Registrar (Judicial), shall ensure that the necessary corrections are still carried out, for the record, in terms of the aforesaid order].

(A photocopy of this order be placed on the files of the connected cases).

(AMOL RATTAN SINGH)
JUDGE

03.12.2021

Anjal

Whether reasoned/speaking: Yes
Whether reportable: No