

**(270) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-11884-2021
Date of decision :24.08.2022**

Kaptan Singh

... Petitioners

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Kiran Bala Jain, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

Mr. Munish Kumar, Advocate for respondent No.2.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.143 dated 28.05.2020 (Annexure P-1) registered under Sections 406, 420 IPC and 24 of the Immigration Act, 1983 with Police Station Sadar Kaithal along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

With respect to two other FIRs against the petitioner, an affidavit has been submitted in the Court today. The same is taken on record.

Para 05 of the affidavit is reproduced herein below:-

“1. FIR No.72 dated 28.05.2020 Under Sections 406/420/370/120B and Section 24 of the Immigration Act, Police Station Naggal. The petitioner has been acquitted in the case by the court of learned ASI, Ambala on 16.02.2021.

2. *FIR No.155 dated 04.06.2020 Under Sections 370/420/120B IPC Police Station Naraingarh. The petitioner has been acquitted in the case by the court of learned SI, Ambala on 14.10.2021.*

3. *FIR No.85 dated 25.06.2020 Under Sections 406, 420 IPC, Section 24 of the Immigration Act and Section 12 Passport Act Police Station Jhansa, District Kurukshetra. The petitioner has filed a petition vide CRM-M-12743 of 2021 in the Hon'ble High Court of Punjab and Haryana at Chandigarh for quashing the FIR on the basis of compromise in which the statement of the complainant as well as petitioner was recorded by the trial Court and the FIR has been quashed on 16.05.2022.*

4. *FIR no.71 dated 28.05.2020 Under Sections 370, 420 IPC and 24 Immigration Act Police Station Naggal. The petitioner has acquitted by the learned ASJ, Ambala on 18.10.2021.*

5. *"FIR No.72 dated 04.06.2020 Under Sections 406, 420, 370, 120-B IPC and 24 Immigration Act, PS Panjokhra, District Ambala. The petitioner has acquitted in the case vide order dated 04.04.2022.*

6. *FIR No.116 dated 04.06.2020 Under Sections 406, 420, 370 IPC, Section 24 & 25 Immigration Act and Section 12 Passport Act PS Ismailabad, District Kurukshetra. The petitioner has filed a petition for quashing the FIR on the basis of compromise vide CRM-M-17001 of 2020 which is pending in the Hon'ble High Court for 19.10.2022 and the statement of the parties is to be recorded by the learned Trial Court.*

7. *FIR No.69 dated 28.05.2020 Under Sections 370, 406, 420 IPC, 24 Immigration Act, PS Naggal. The*

petitioner has been acquitted by the learned Sessions Judge, Ambala vide order dated 25.01.2022.

8. FIR No.113 dated 28.05.2020 Under Sections 370, 406, 420 IPC PS Shahzadpur, District Ambala. The petitioner has been acquitted by the learned Sessions Judge, Ambala on 01.11.2021.”

Vide order dated 16.03.2021 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 13.06.2020 (Annexure P-2).

The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 16.03.2021 passed a Coordinate Bench of this Court, the parties have appeared before the learned District and Sessions Judge, Kaithal and as per the report dated 15.04.2021 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. In view of the compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.PC can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be fully in consonance with the direction issued by the Court in “***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543***”.

In view of the aforesaid report of the learned District and Sessions Judge, Kaithal accompanied by statements of both the parties, the FIR No.143 dated 28.05.2020 (Annexure P-1) registered under Sections 406, 420 IPC and 24 of the Immigration Act, 1983 with Police Station Sadar Kaithal along with all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

24.08.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No