

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

123)

CRM-M-39094 of 2021

Date of Decision: 08.09.2022

Krishan Kumar Mishra and others

....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. J. S. Saneta, Advocate,
for the petitioners.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana

Mr. Kulwant Singh Dhanora, Advocate, for
Mr. Naresh Kaushik, Advocate,
for respondent No.2

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.707 dated 06.12.2018, under Sections 24 of the Immigration Act and 120-B, 406, 420 of the Indian Penal Code, registered at Police Station Kaithal City, District Kaithal alongwith all other consequential proceedings arising therefrom, based upon compromise (Annexure P-2).

It has been submitted by the learned counsel for the petitioners that the allegations against the petitioners are with regard to the financial dispute between the parties and regarding which an allegation was made that

the petitioners received some money for sending the complainant abroad but in fact the petitioners were never involved in any such kind of activity and it was a financial dispute between the parties which was given a criminal flavour and the present FIR was registered. It has been submitted that the matter has since been settled between the parties with the intervention of the respectable of the village and thereafter, the present petition has been filed seeking quashing of the FIR on the basis of the compromise. It has been submitted that vide order dated 20.05.2022 parties were directed to appear before the learned Illaqa Magistrate/trial Court for the purpose of recording of their statements and in pursuance of the same three petitioners and respondent No.2 appeared before the learned Chief Judicial Magistrate, Kaithal and they have got recorded their statements. He further submitted that so far as the subject matter of the present petition is concerned, the same does not fall within the category of serious and heinous offence and therefore, no useful purpose will be served once a compromise is effected between the parties to further prosecute the case.

Learned counsel appearing on behalf of the State of Haryana has stated that it is correct that the parties have got their statements recorded before the learned Chief Judicial Magistrate, Kaithal in this regard and it is also correct that it was a financial dispute between the parties.

Mr. Kulwant Singh Dhanora, Advocate for Mr. Naresh Kaushik, Advocate has appeared on behalf of the complainant/respondent No.2 and has stated that an amicable settlement has been reached between the parties and the complainant/respondent No.2 has got his statement recorded before the learned Chief Judicial Magistrate and he has no objection in case the FIR is quashed on the basis of a compromise.

I have heard learned counsel for the parties.

In pursuance of the order passed by this Court on 20.05.2022, all the three petitioners and the complainant/respondent No.2 got their statements recorded before the learned Chief Judicial Magistrate, Kaithal and that Court has sent a report to this Court vide letter dated 14.06.2022 wherein it is stated that there are three accused in the present FIR and all the three accused have appeared before the Court for making the statements and no accused has been declared as proclaimed offender in this case. It has been further stated in the report that the statement of the complainant namely Vijay Pal has also been recorded to the effect that he has stated that a compromise has been effected between the parties with his free will and without any coercion or pressure from any corner. He also stated that such a compromise was got effected to maintain peace and harmony between both the parties and accounts have been settled between the parties and there is nothing due towards him and the compromise is genuine and voluntarily. The learned Chief Judicial Magistrate has further stated in the report that in view of the said statements of the parties, the compromise appears to have been effected voluntarily and out of free will and it appears to be genuine, voluntarily and without any undue influence.

The law with regard to quashing of FIR based upon compromise is no longer *res integra*. The Hon'ble Supreme Court in "***Gian Singh Vs. State of Punjab and another***", 2012(4) RCR (Criminal) 543 and "***State of Madhya Pradesh Vs. Laxmi Narayan and others***", (SC) 2019(5) SCC 688, observed that when the dispute is particularly pertaining to financial dispute between the parties and the same is settled amicably, then it will be always in the interest of justice to consider quashing of FIR and

further proceedings based upon compromise. However, in matters pertaining to serious or heinous offences, such a discretion should not be ordinarily exercised by the High Court while exercising powers under Section 482 of the Code of Criminal Procedure.

In the present case, the subject matter was a financial dispute between the parties as per learned counsel for the parties and therefore, the present case does not fall within the category of serious or heinous offence. Furthermore, this Court is satisfied that no useful purpose will be served in case further prosecution is carried on and in order to secure the end of justice, it is a fit case for quashing of the FIR based upon compromise, especially after perusing the report of the learned Chief Judicial Magistrate.

In view of the above, the present petition is allowed and the FIR No.707 dated 06.12.2018, under Sections 24 of the Immigration Act and 120-B, 406, 420 of the Indian Penal Code, registered at Police Station Kaithal City, District Kaithal alongwith all other consequential proceedings is hereby quashed qua the petitioners based upon compromise.

08.09.2022

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(JASGURPREET SINGH PURI)**JUDGE**

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