

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-38637-2021

Date of Decision:- 20.04.2022

DURGESH & ANR.

... Petitioners

Versus

STATE OF HARYANA & ANR.

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Nonish Kumar, Advocate
for the petitioners.**

Mr. Naveen Sheoran, DAG Haryana.

**Mr. Vijay Partap, Advocate
for respondent No.2.**

KARAMJIT SINGH, J. (Oral)

Present petition is for quashing of FIR No.349 dated 02.06.2020 (Annexure P-1), registered under Sections 420, 406 read with Section 120-B IPC and Section 24 of Immigration Act, Police Station Sadar Karnal on the basis of compromise dated 04.06.2020 (Annexure P-3) along with other consequential proceedings arising thereto.

The above stated FIR was registered on the statement of the complainant/respondent No.2 in which she alleged that the petitioners fraudulently took an amount of Rs.28 lakhs from her on the pretext of

sending her son abroad. Though, her son was sent abroad, but he was arrested abroad as his entry in that country was found illegal. Later, he was deported to India. The petitioners refused to return the amount, leading to the registration of the case.

On notice of motion, respondent No.2 appeared in the Court through her counsel and pleaded that she has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court Additional Chief Judicial Magistrate, Karnal along with statements of petitioner No.1 for himself and as power of attorney holder of petitioner No.2 and that of complainant/ respondent No.2 have been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

Today, State counsel apprised the Court that petitioners are not declared proclaimed persons till date by the Court concerned.

I have heard learned counsel for the parties

Learned counsel for the parties are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is

genuine and the parties effected the same without any undue influence or coercion.

I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. Also there is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of FIR in question.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this petition is allowed and FIR No.349 dated 02.06.2020 (Annexure P-1), registered under Sections 420, 406 read with Section 120-B IPC and Section 24 of Immigration Act, Police Station Sadar Karnal on the basis of compromise dated 04.06.2020 (Annexure P-3) and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

Needless to mention that both the parties will abide by the terms and conditions of the compromise Annexure P-2 in letter and spirit.

20.04.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No