

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.46661 of 2021 (O&M)

Date of Decision:07.01.2022

(Heard through VC)

Ashwani Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sunil Kumar Rana, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Ms. Manpreet Kaur, Advocate
for the complainant.

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JAISHREE THAKUR, J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.362 dated 27.08.2018 registered under Sections 420, 406 IPC and Sections 10 & 24 of the Immigration Act at Police Station Kurukshetra (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 19.10.2021 (Annexure P-2).

2. The FIR has been registered on the statement of complainant on the allegations that the accused-petitioner had taken Rs.1,50,000/- from the complainant on the pretext of sending him Dubai but did not return the same amount. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Keeping in view the fact that the parties have entered into a

compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate 1st Class, Kurukshetra stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Haryana on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise. Learned counsel appearing for the respondent-State submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record.

6. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

7. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and**

another, (2014) 6 SCC 466, this petition is allowed and FIR No.362 dated 27.08.2018 registered under Sections 420, 406 IPC and Sections 10 & 24 of the Immigration Act at Police Station Kurukshetra (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioner.

January 07, 2022
Pankaj*

(JAISHREE THAKUR)
JUDGE

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