

236 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10863-2022

DATE OF DECISION:-29.05.2023

Rajesh

...Petitioner.

vs.

State of Haryana and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ravi Yadav, Advocate,
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

None for respondent No.2.

HARKESH MANUJA, J.

1. By way of present petition under Section 482 Cr.P.C., the petitioner pray for quashing of FIR No.594 dated 20.08.2020, under Sections 420, 406 IPC and Section 24 of the Immigration Act, 1983, registered at Police Station Karnal Sadar, District Karnal (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise deed dated 25.11.2021 (Annexure P-3).

2. As per the allegations levelled in the FIR, petitioner along with his co-accused cheated the complainant on the pretext of sending him abroad. Though, as per FIR, there were total three accused, however, only, Rajesh -present petitioner has approached this Court.

3. In pursuance to an order dated 15.03.2023 passed by this Court, whereby the parties were directed to appear before the trial court for getting their statements recorded as regards the veracity of compromise arrived at

between them, a report dated 04.05.2023 has been received from the concerned court, stating that compromise is genuine and without any coercion or undue influence and the matter has voluntarily been compromised between the parties. No. accused has been declared as proclaimed offender.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even 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.***

6. Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R.***

(Criminal) 589 and this Court in *Joginder Singh & another Vs. State of Punjab and another*, passed in CRM-M-23739- 2010 decided on 27.04.2011, *Rajinder Singh Vs. State of Punjab & another*, passed in CRM-M- 37395-2016 decided on 16.05.2017 and *Vimal Kalra & others Vs. State of Punjab & another*, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

7. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.594 dated 20.08.2020, under Sections 420, 406 IPC and Section 24 of the Immigration Act, 1983, registered at Police Station Karnal Sadar, District Karnal as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

8. Accordingly, petition stands allowed subject to payment of costs of Rs.5,000/- to be deposited with the Haryana Legal Services Authority, within a period of two weeks from today.

29.05.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No

whether reportable: Yes/No