

137

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

**CRM-M-14221-2023 (O&M)
Date of decision : 29.08.2023**

Sumeet Kalra

...Petitioner(s)

Versus

The State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashutosh Pandey, Advocate,
for Mr. J.S. Jaidka, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Rahul Rana, Advocate,
for respondent Nos.2 & 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 praying for quashing of FIR No.326 dated 18.11.2021, under Sections 406, 420, 506 of the Indian Penal Code, 1860, registered at Police Station Parao Ambala Cantt. District Ambala, along with all consequential proceedings arising therefrom on the basis of compromise dated 18.08.2022 (**P-1**), entered into between the parties i.e. petitioner as well as respondent Nos.2 & 3.

2. Allegations are that the petitioner duped the complainant of Rs.4.00 lakhs on the pretext of sending his daughter abroad.

3. The Co-ordinate Bench, while issuing notice of motion on 22.03.2023, passed the following order:-

*“Petitioner is seeking to quash FIR No. 326 dated
18.11.2021 under Sections 406, 420, 506 IPC, registered at*

Police Station Parao Ambala Cantt, District Ambala on the basis of compromise.

Learned counsel for the petitioner contends that the petitioner is a Proprietor of a immigration concern and respondent No.2 has engaged his services for procuring study visa for her daughter i.e. Respondent No.3. The dispute between the parties is primarily monetary in nature and a sum of Rs. 4 Lakhs has been allgedly paid to the petitioner by respondent Nos.2 and 3. The dispute has been amicably settled between the parties in terms of the compromise, Annexure P-1. A sum of Rs. 2,75,000/- has been paid by the petitioner to respondent No.2 and 3 in full and final settlement of their claim. The amicable settlement will help in maintaining cordial relations between them in future.

Notice of motion.

Mr. Ranvir Singh Arya, Addl. AG Haryana accepts notice on behalf of the State.

Mr. Rahul Rana, Advocate has put in appearance on behalf of respondent Nos.2 & 3. He has filed his vakalanama and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaqa Magistrate on 18.04.2023 or any other date, convenient. to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaqa Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. The trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.*

Adjourned to 26.05.2023, to await the report.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 20.04.2023 has been submitted in this regard by learned Judicial Magistrate 1st Class, Ambala. The operative part of the same reads as under:-

“ Both the parties have admitted that the compromises has been effected by them and it appears to be genuine and valid. I am satisfied that the compromise have been arrived at with the free consent of the parties and without any undue influence or coercion from any side.”

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from the police officer present in the Court, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

7. In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not involve any public funds. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

8. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are

quashed qua the petitioner. However, as a deterrence for the future, petitioner is burdened with costs of Rs. 25,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

9. Pending application(s), if any, shall also stand disposed off.

29.08.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No