

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

(285)

CRM-M-32096-2023

Date of Decision:- 05.12.2023

Rajkumar @ Raju

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Deepak Vashishth, Advocate for
Mr. Ashish Pannu, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab for State-respondent No.1.

Mr. Kuldeep Sheoran, Advocate for the respondent No.2.

SUVIR SEHGAL, J. (Oral)

1. On 25.09.2023, this Court passed the following order:-

“This is the 2nd petition for quashing of FIR No.181 dated 26.06.2020 under Sections 406 and 420 of IPC, 1860, however, Sections 370, 384, 120-B, IPC were added later on in charge-sheet, and Section 24 of Emigration Act, 1986, registered at Police Station Nissing, District Karnal, Annexure P-1, along with all consequential proceedings arising therefrom on the basis of affidavit dated 23.12.2020, Annexure P-2, executed by complainant – respondent No.2.

Counsel for the petitioner submits that first petition seeking quashing on the basis of the same affidavit was withdrawn from this Court by order dated 15.03.2021, Annexure P-5, as the petitioner was named as an accused in 06 other criminal cases. By making a reference to the judgments, Annexures P-6 to P-11, passed by this Court, counsel submits that FIRs in all other cases have been quashed by this Court on the basis of compromise entered into between the parties. He submits that even this matter has been amicably settled as is apparent from the affidavit, Annexure P-2. It is his argument that offence under Section 370, IPC, is not made out as there is neither any allegation of exploitation nor of trafficking.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, DAG, Haryana, accepts notice on behalf of respondent No.1-State. Mr. B.S. Baath, Advocate for Mr. Amit Khatkar, Advocate accepts notice on behalf of respondent No.2. He admits the factum of compromise.

The parties and Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 31.10.2023 or on any day thereafter as fixed by the court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Area Magistrate/Trial Court be awaited for 01.12.2023.”

2. Report has been received from the learned Additional District and Sessions Judge, Karnal in deference to the orders passed by this Court and its relevant extract is as under:-

“i) Only accused Raj Kumar @ Raju is named in the present FIR. He has never been declared proclaimed offender in the case and appearing in the present trial.

ii) There is one complainant/victim/aggrieved person namely Rohtash son of Hukam Chand, resident of village Singhra, Nissing, Karnal, now resident of Shashtri Nagar, Karnal, who appeared in the court made statement in support of the compromise.

iii) The present case is at the stage of recording of prosecution evidence.

iv) As per the statements of complainant Rohtash Kumar and accused Raj Kumar @ Raju, the parties have made the compromise out of their free will, without any coercion or undue influence and thus, the compromise is

genuine and voluntary in nature.

v) *Accused Raj Kumar @ Raju is also involved in six other cases i.e. FIR No.555/2020 under Sections 420, 406, 370 IPC and 24 of Immigration (sic Emigration) Act, P.S.Ambala; FIR No. 197/2020 under Sections 420, 406, 370 IPC and 24 of Immigration (sic Emigration) Act P.S.Civil Lines Karnal; FIR No.78.2020 under Sections 420, 406, 370 IPC and 24 of Immigration (sic Emigration) Act, P.S. Nigdhu, Karnal; FIR No.102/2020 under Sections 420, 406, 370 IPC and 24 of Immigration (sic Emigration) Act, P.S.Dhand, Kaithal; FIR No.142/2020 under Sections 420, 406, 370 IPC and 24 of Immigration (sic Emigration) Act, P.S.Nigdhu, Karnal; and FIR No.234/2020 under Sections 420, 406, 370 IPC and 24 of Immigration (sic Emigration) Act, P.S.Butana, Karnal.”*

3. Heard counsel for the parties.
4. In view of the report given by the learned ASJ and the judgment of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and a Full Bench of this Court in ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.
5. Accordingly, the petition is allowed. FIR No.181 dated 26.06.2020 under Sections 406 and 420 of IPC, 1860, however, Sections 370, 384, 120-B, IPC were added later on in charge-sheet, and Section 24 of Emigration Act, 1986, registered at Police Station Nissing, District Karnal, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

05.12.2023

(SUVIR SEHGAL)

Kamal

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No