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

CRM-M-34080-2023 (O&M)

Date of Decision: 11.09.2023

Simardeep Singh and another

.. Petitioners

Vs.

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Parminder Singh, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Sukhdeep Singh, Advocate
for respondent No.2.

...

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0378 dated 11.12.2021 (P-1), under Sections 406, 420, 467, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station Ram Nagar, District Karnal along with all consequential proceedings arising therefrom on the basis of compromise dated 16.02.2023 (P-3), entered into between the parties, at their own level, i.e. petitioners as well as respondent No.2.

2. Allegations in brief are that petitioners received an amount of Rs.12 lakh from complainant Balwinder Singh on the pretext of sending him abroad.

3. It transpires that on 18.07.2023, parties were directed to appear before learned trial Court/Illaq Magistrate for recording their statements with regard to the compromise/settlement and the order in main case reads

“Contends, inter alia, that matter has been compromised between the parties.

(2) Notice of motion.

(3) On asking of the Court, Mr. Bhupender Singh, DAG, Haryana accepts notice on behalf of respondent No.1/State.

(4) Mr. Sukhdeep Singh, Advocate, who is present in the Court, has filed power of attorney on behalf of respondent No.2. The same is taken on record. He acknowledged the factum of compromise dated 16.02.2023 (P-3) arrived at between the parties at their own level.

(5) Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of day.

(6) Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them and also give the details of any other FIR(s), already quashed on the basis of compromise.

(7) In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on 03.08.2023 for recording their statement(s) with reference to the compromise, if any, entered into between them.

(8) Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

(vi). Whether any of the petitioner(s) is/are previous convict or not?

(9) List before this Court on 04.09.2023 for further consideration.

(10) Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?

(11) Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”

Judicial Magistrate 1st Class, Karnal was received vide Memo No.338 dated 17.08.2023 and the operative part of the same reads as under:

“It is further respectfully submitted that the complainant Balwinder Singh and accused Simardeep Singh and accused Inderjit Singh are party to the compromise, however accused Inderjit Singh did not appear before the court to give his statement qua compromise as he resides at Chile (South America), therefore on his behalf, his statement was got recorded through his SPA holder Ranjit Singh son of Kapoor Singh (father of accused Inderjit Singh). It is further respectfully submitted that no other case is pending against either of the parties. It is further respectfully submitted that none of the persons involved in this case has been declared proclaimed offender. It is further respectfully submitted that accused Simardeep Singh and Inderjeet Singh are not previously convicted in any other criminal case. Therefore, the above report is forwarded for your kind perusal, please. ”

5. A perusal of the aforesaid report clearly reveals that the matter has been amicably settled by the parties at their own level. Further reveals that the compromise is genuine, voluntary & without any coercion or undue influence and the petitioners have not been declared as proclaimed offender. Before this Court also, there is no objection by either of the parties against each others.

6. Learned State Counsel, on instructions from ASI Sandeep Kumar, 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 offences are 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 petitioners, subject to costs of Rs.10,000/- each. 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.

11.09.2023
Jasmine Kaur

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No