

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

264

CRM-M-37291-2020
Date of decision : 27.03.2023

Gurlal Chahal

Petitioner

V/S

State of Haryana and another

Respondents

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. A.G., Haryana
for respondent No.1-State.

None for respondent No.2/complainant.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.447 dated 06.08.2020 registered under Sections 406, 420, 384, 370 and 506 of the Indian Penal Code, 1860 and Section 24 of the Immigration Act at Police Station City Karnal, District Karnal (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 22.09.2020 (Annexure P-2).

Learned counsel for the petitioner submits that during the pendency of the investigation, the matter has been compromised between the parties vide compromise deed dated 22.09.2020. Although, the matter has been compromised between the parties, respondent

No.2/complainant is not coming up to get the FIR quashed despite received the agreed amount. Vide order dated 12.11.2020 passed by this Court, the parties were directed to record their statements before the trial Court regarding factum of compromise, however, the respondent No.2-complainant also did not appear before the trial Court. Since the matter has already been compromised, the pendency of the present FIR is nothing but just an abuse of process of law. Therefore, the present FIR may be quashed qua the petitioner. In support of his arguments, learned counsel for the petitioner has placed reliance upon the judgment passed by Hon'ble Supreme Court in ***Criminal Appeal No.23 of 2005 (arising out of SLP (Crl.) No.2051 of 2004) titled as 'Mohd. Shamim Vs. Smt. Nahid Begum' decided on 07.01.2005*** and judgments of this Court passed in ***Ram Lal and others Vs. State of Haryana and another : Law Finder Doc ID #143559; Nishan Singh Vs. State of Punjab and another : Law Finder Doc ID #1316381*** and ***Krishan Singh and others Vs. State of Punjab and another: Law Finder Doc ID #1719062***.

On the other hand, learned State counsel has opposed the present petition in terms of reply dated 28.03.2021 filed by of an affidavit of Sh.Rajesh Kumar, Addl. Superintendent of Police, Karnal in the Registry which is taken on record.

I have heard learned counsel for the petitioner and learned State counsel and gone through the paper-book.

Admittedly, despite the fact that the notice issued to

CRM-M-37291-2020

3

respondent No.2/complaint has been duly served, neither she put in appearance before this Court nor she appeared before the trial Court for recording her statement regarding genuineness of compromise.

Since, none has put in appearance on behalf of respondent No.2/complainant before this Court and before the trial Court as well, it cannot be said that a valid compromise has been effected between the petitioner/accused and respondent No.2/complainant. Therefore, the above-said FIR No.447 dated 06.08.2020 (Annexure P-1) cannot be quashed on the basis of compromise effected between the parties.

Dismissed.

27.03.2023

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No