

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

CRM-M No.38736 of 2023

Date of Decision:24.11.2023

Muhim Khan

... Petitioner

Versus

State of Haryana and another

... Respondents

2. CRM-M No.41546 of 2023

Muhim Khan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. By this common order, both petitions are being disposed as issue involved therein is similar.

2. In CRM-M No.38736 of 2023, the petitioner has approached this Court under Section 482 Cr.P.C. for quashing of FIR No.536 dated 06.09.2018 registered under Section 420 IPC at Police Station Sector 31, Faridabad, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 18.07.2023 (Annexure P-2) arrived at between the petitioner and respondent No.2-complainant; whereas prayer in CRM-M No.41546 of 2023 is for quashing of impugned order dated 24.10.2019 (Annexure P-2) passed by the learned Judicial Magistrate 1st Class, Faridabad whereby the petitioner was declared proclaimed offender in FIR No.536 dated

06.09.2018 registered under Section 420 IPC at Police Station Sector 31, Faridabad, District Faridabad as well as FIR No.134 dated 24.04.2023 registered under Section 174-A IPC at Police Station Sector 31, Faridabad, District Faridabad and all subsequent proceedings arising therefrom.

2. The FIR was registered on the statement of complainant-respondent No.2 Kailash Chand @ Singhal on the allegations that the petitioner had duped him for a sum of ₹27,400/- by telling his name L.M. Sharma and requested him to transfer money through Paytm on the pretext of illness of his relative. Since the respondent No.2-complainant had an old friend named L.M. Sharma, he transferred the money as asked for by the petitioner. However, when respondent No.2-complainant tried to contact the petitioner for returning the money, the person picked up the phone disclosed his name as Mahesh resident of Bangalore and promised to return the money by tomorrow. On checking the account of PNB bank in which the money was transferred, the account holder's name was Muhim Khan, resident of Rajasthan i.e. the petitioner herein. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report dated 08.09.2023 has been received from the Judicial Magistrate 1st Class, Faridabad stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned State counsel on instructions from the Investigating Officer and learned counsel for respondent No.2 admitted the factum of compromise. The

learned State counsel submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The parties have arrived at a compromise and settled their dispute. A compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

7. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in ***Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466; Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834*** and Full Bench of this Court in ***Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052***, this petition is allowed and FIR No.536 dated 06.09.2018 registered under Section 420 IPC at Police Station Sector 31, Faridabad, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner.

8. Since FIR No.536 dated 06.09.2018 registered under Section 420 IPC at Police Station Sector 31, Faridabad, District Faridabad has been quashed, no useful purpose would be served in continuing with the proceedings under Section 82 Cr.P.C. and the FIR registered in pursuance thereof. Reference in this regard can be made to consistent view of this Court in *Vikas Sharma Vs. Gurpreet Singh Kohli and another 2017 (3) L.A.R. 584, Microqual Techno Limited and others Vs. State of Haryana and another 2015 (32) RCR (Crl.) 790 and Rajneesh Khanna Vs. State of Haryana and another 2017 (3) L.A.R. 555.*
9. Consequently, the impugned order dated 24.10.2019 passed by the learned Judicial Magistrate 1st Class, Faridabad whereby the petitioner was declared a proclaimed person and FIR No.134 dated 24.04.2023 under Section 174-A IPC registered at Police Station, Sector 21, Faridabad, District Faridabad in pursuance of the order dated 24.10.2019 are also quashed.
10. Both the petitions stand disposed of in above terms.

(HARPREET SINGH BRAR)
JUDGE

November 24, 2023

Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No