

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

115+248

2023:PHHC:105127
CRM-33088-2023 in/and
CRM-M-58978-2022
Date of decision: August 11th, 2023

Akshit

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Diwan S. Adlakha, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-33088-2023

Application is allowed subject to just exceptions and
compromise (Annexure P-4) is taken on record.

CRM-M-58978-2022

The present petition has been moved invoking jurisdiction
of this Court under Section 482 Cr.P.C. by the petitioner seeking
quashing of FIR No.208 dated 24.05.2021, registered for offences
punishable under Sections 406, 420 of the Indian Penal Code, 1860 and
Section 10 of Immigration Act (Section 120-B IPC added lateron) at
Police Station Gandhi Nagar, Yamuna Nagar, District Yamuna Nagar
(Annexure P-1) and all subsequent proceedings arising thereto on the
basis of compromise.

Learned counsel appearing for the petitioner has submitted
that though three other accused were also nominated however qua

one of them i.e. Rajat, the FIR already stands quashed on the basis of compromise vide order dated 22.11.2022 passed in CRM-M-37957-2022 (Annexure P-4). He submits that as far as the present petitioner is concerned, his role is clearly distinguishable from the other three accused, who are not before this Court inasmuch as, there was no role attributed to him in the FIR in question and he came to be nominated only on the basis of disclosure statement made by co-accused Rajat qua whom the FIR already stands quashed.

Learned State counsel assisted by counsel for the complainant has not been able to dispute the role attributed to the petitioner in the crime in question.

Vide order dated 19.12.2022 passed by a coordinate Bench, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 20.01.2023 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Judicial Magistrate, Ist Class, Yamuna Nagar at Jagadhri, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection if the FIR *qua* the accused-petitioner is quashed.

The trial Court has annexed the statements of the parties in original along with its report.

Learned State counsel too submits that there are no other

accused other than the petitioner and respondent No.2 is the only aggrieved person in the FIR in question.

In view of the report of the learned Judicial Magistrate, Ist Class, Yamuna Nagar at Jagadhri and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

August 11th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No