

CRM-M-36605-2021

263 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-36605-2021 (O&M)
Date of Decision: 30.01.2024

MOHD. IRFAN SIDDIQUE

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Krishan Lal, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG Punjab.

Mr. Ravi Malhotra, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 152 dated 31.12.2020 registered under Sections 420 and 120-B of Indian Penal Code and Section 24 of Immigration Act at Police Station Division No. 1, Ludhiana Punjab and all subsequent proceedings arising therefrom in view of the affidavit dated 27.08.2021 (Annexure P-2).

2. The following order was passed on 24.04.2023:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of F.I.R. No.152 dated 31.12.2020 under Sections 420, 120-B of IPC and Section 24 of the Immigration Act, registered at Police Station Division No.1, District Ludhiana (Annexure P-1) and all other consequential proceedings arising therefrom, on the basis of compromise dated 27.08.2021 (Annexure P-2) arrived at between the parties.

Notice of motion.

Mr. Anup Singh, AAG, Punjab puts in appearance and accepts notice on behalf of respondent No.1-State and seeks time to file reply, if any.

At this stage, Mr. Ravi Malhotra, Advocate puts in appearance on behalf of respondent No.2 and filed power of attorney in the Court today which is taken on record. Copy of the paper book be supplied during the course of the day.

Learned counsel for respondent No.2 affirmed the factum of compromise between the parties.

Let the parties to appear before the trial Court/Illaq Magistrate, as the case may be, on 08.05.2023 for getting their statements recorded with regard to the compromise. Trial Court is directed to report on the following points:-

- (i) how many total accused are facing the trial;*
- (ii) whether any of the accused was declared proclaimed offender at any stage of trial;*
- (iii) status/stage of the trial/case;*
- (iv) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;*
- (v) to record the statement of Investigating Officer with regard to points No.(i), (ii) and (iii) as above.*

Report be sent through District and Sessions Judge, before the next date of hearing.

Adjourned to 24.08.2023.”

3. In compliance of the above order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of 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 Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63**

2007 (3) RCR (Crl.) 1052, this petition is allowed and FIR No. 152 dated 31.12.2020 registered under Sections 420 and 120-B of Indian Penal Code and Section 24 of Immigration Act at Police Station Division No. 1, Ludhiana Punjab and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

5. Pending CRM(s), if any, are also disposed of accordingly.

30.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No