

266 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-46699-2023 (O&M)

Date of Decision: 05.03.2024

MAHAVIR AND ANOTHER

...Petitioners

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pawan Attri, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Kuldeep Singh, 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. 523 dated 05.10.2022 registered under Sections 10, 24 of Immigration Act and Sections 406 and 420 of Indian Penal Code at Police Station Thanesar City, District Kurukshetra Haryana and all subsequent proceedings arising therefrom in view of the compromise 25.08.2023 (Annexure P-2).

2. The following order was passed on 10.10.2023:

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.523 dated 05.10.2022, registered for offences under Sections 10 and 24 of the Emigration Act, 1983 and Sections 406 and 420 of the Indian Penal Code, 1860, at Police Station Thanesar City, District Kurukshetra, Haryana, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of the compromise dated 25.08.2023, Annexure P-2, arrived at between the parties.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, DAG, Haryana accepts notice on behalf of State-respondent

No.1.

Ms. Pinki Mehla, Advocate for Mr. Kuldeep Singh, Advocate has put in appearance and accepts notice on behalf of respondent No.2. She has admitted the factum of compromise and supports the prayer made in the petition.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 15.11.2023 or on any day thereafter as fixed by the Trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties;*
- 5. whether any other criminal case is pending against the accused.*

Report of the Area Magistrate/Trial Court be awaited for 18.12.2023.”

3. In compliance of the aforesaid 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. Learned counsel for the petitioners submits that in view of the law laid down by Hon’ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589*** and this Court in ***Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256***, partial compromise is permissible.

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** 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. 523 dated 05.10.2022 registered under Sections 10, 24 of Immigration Act and Sections 406 and 420 of Indian Penal Code at Police Station Thanesar City, District Kurukshetra Haryana and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

05.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No