

271 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-48458-2023 (O&M)

Date of Decision: 19.02.2024

HARJINDER SINGH @ HARJINDER KUMAR

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the parties.

1. In view of the resolution passed by Punjab and Haryana High Court Bar Association, there is no representation on behalf of the parties, however, a perusal of the pleadings would indicate that the present petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 62 dated 28.04.2022 registered under Section 420 of Indian Penal Code and Section 24 of Emigration Act 1983 at Police Station Jodhewal, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise dated 23.05.2023 (Annexure P-2).

2. The following order was passed on 25.09.2023:

“This is a petition under Section 482 Cr.P.C. for quashing of case FIR No.62 dated 28.04.2022, under Section 420 IPC and Section 24 of Emigration Act, 1983, registered at Police Station Jodhewal, District Ludhiana and all other subsequent proceedings arising therefrom, on the basis of compromise.

Learned counsel for the petitioner submits that the parties have entered into a compromise, which has been reduced into writing and the same is appended alongwith the instant petition as Annexure P-2.

Notice of motion.

Mr. Ravinder Singh, AAG, Punjab, puts in appearance on behalf of respondent No.1-State and waives

service.

Mr. Vishnu Dutt, Advocate, puts in appearance on behalf of respondent No.2, and has filed his Power of Attorney, which is taken on record. He acknowledges that the matter has been compromised between the parties and the complainant party does not wish to pursue the FIR in question.

In view of the above, both the parties are directed to appear before the concerned trial Court/Illaq Magistrate/Duty Magistrate for recording their statements on 10.10.2023 or any other date convenient to the concerned Court. The statement of Investigating Officer be also recorded on the same day, who would also identify the parties appearing before the Court. The original compromise shall be produced before the Court at the time of recording statement of the parties.

The concerned Court is directed to submit a report on or before the next date of hearing, containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed person?*
- 3. Whether all the accused/petitioner(s) is/are appearing before the Court?*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 5. Whether the accused/petitioner(s) is/are involved in any other FIR or not?*
- 6. The trial Court/Duty Magistrate is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

The State to file status report before the next date.

List on 13.12.2023."

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** 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. 62 dated 28.04.2022 registered under Section 420 of Indian Penal Code and Section 24 of Emigration Act 1983 at Police Station Jodhewal, District Ludhiana and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

19.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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