

RAJPAL AND OTHERS

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

None for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0590 dated 05.09.2023 registered under Sections 10 & 24 of the Immigration Act and Sections 120-B, 406, 420 IPC at Police Station Shahbad, District Kurukshetra (Annexure P-1) along with all subsequent proceedings on the basis of compromise dated 20.09.2023 (Annexure P-2).

2. The following order was passed on 16.10.2023 :

“The present petition has been filed for quashing of FIR No.0590 dated 05.09.2023 registered under Sections 10 & 24 of the Immigration Act and Sections 120-B, 406, 420 IPC at Police Station Shahbad, District Kurukshetra, along with all subsequent proceedings on the basis of compromise.

Notice of motion for 20.12.2023.

On asking of the Court, Mr. Krishan K. Chahal, Addl. AG Haryana, accepts notice on behalf of respondent No.1-State and Ms. Pinki Mehla, Advocate put in appearance on behalf of respondent No.2.

Learned counsel for the petitioner(s) is directed to supply copy of the paper book to the counsel opposite during course of the day.

Let the parties now appear before the Trial Court/Illaqa Magistrate on 06.11.2023 or any other date convenient to the Court for recording their statements with regard to compromise. The Trial court/Illaqa Magistrate is directed to record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. The Trial Court/Illaqa Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties. It shall also be reported whether petitioners have been declared Proclaimed Offenders in this case or not.”

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.0590 dated 05.09.2023 registered under Sections 10 & 24 of the Immigration Act and Sections 120-B, 406, 420 IPC at Police Station Shahbad, District Kurukshetra (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

March 19, 2024
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |