

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1225-2024 (O&M)

Reserved on: 14.05.2024
Pronounced on: 22.05.2024

Rinku Kumar & another
... Petitioner(s)
Versus
State of Haryana & others
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Pawan Attri, Advocate
for the petitioner(s).

Mr. Rajat Gautam, Addl.A.G., Haryana.

Mr. Vishal Sharma, Advocate for
Mr. Fateh Saini, Advocate
for respondent nos.2 and 3.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
161	24.6.2023	Ismailabad, District Kurukshetra	406 and 420 IPC and 10 & 24 Immigration Act.

The petitioners, arraigned as accused in the above captioned FIR, have come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person(s).

2. During the pendency of the criminal proceedings, the accused and the aggrieved persons have compromised the matter, and its copy is annexed with this petition as Annexure P-2.

3. After that, the petitioners came up before this Court to quash the FIR, impleading the aggrieved persons as respondents no.2 and 3.

4. Pursuant to order of this Court, on 2.2.2024, the aggrieved persons/respondent nos.2 and 3, appeared before the Judicial Magistrate Ist Class, Pehowa and stated that there would be no objection if the Court quashes this FIR and consequent proceedings.

As per the concerned court's report dated 14.2.2024, the parties consented to the quashing of FIR and consequent proceedings without any threat.

ANALYSIS & REASONING:

5. Despite the severe opposition of the State's counsel to this compromise, the following aspects would be relevant to conclude this petition: -

- a) The accused and the private respondent have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;
- b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;
- c) The aggrieved person has willingly consented to the nullification of criminal proceedings;
- d) There is no objection from the private respondent in case present FIR and consequent proceedings are quashed;
- e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;
- f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;
- g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;
- h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;
- i) The exercise of the inherent power for quashing FIR and all consequential proceedings is justified to secure the ends of justice.

6. In the present case the offences under sections 406 and 420 of Indian Penal Code, 1860 are compoundable with the permission of the Court under Section 320 CrPC. However, Sections 10 & 24 Immigration Act are not compoundable under Section 320 of Code of Criminal Procedure, 1973 (CrPC). However, in the facts and circumstances peculiar to this case, the prosecution qua the non-compoundable offences can be closed by quashing the FIR and consequent proceedings.

7. In the light of the judicial precedents referred to above, given the terms of compromise, placement of parties, and other factors peculiar to the case, the contents of the compromise deed and its objectives point towards its acceptance.

8. In Himachal Pradesh Cricket Association v State of Himachal Pradesh, **2018:INSC:1039 [Para 47]**, 2018 (4) Crimes 324, Hon’ble Supreme Court holds “[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Chargesheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stand vitiated.”

9. Considering the entire facts, compromise, and in the light of the above-mentioned judicial precedents, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the FIR and all subsequent proceedings *qua* the petitioner. The bail bonds of the petitioner are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

May 22, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No