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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No.29403 of 2020 in/and
CRM-M No.3722 of 2020
Date of Decision: 11.01.2021**

SAHIL

.....Petitioner

Vs

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Akshay Jindal, Advocate
for the applicant-petitioner.

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

RAJ MOHAN SINGH, J. (Oral)

[1] The case has been taken up for hearing through video conferencing.

[2]. Prayer in this petition is for quashing of FIR No.1156 dated 03.12.2019 registered under Sections 408 IPC at Police Station Chandnibagh, Panipat, District Panipat, on the basis of compromise.

[3]. Vide order dated 04.12.2020, notice was issued in the application for preponing the date of hearing from 15.02.2021 to some early actual date. The case was adjourned for today.

In view of above, the the application is allowed. Date of hearing of the main case is preponed for today and the case is taken up for final disposal.

Main case

[4]. Status report by way of affidavit by Satish Kumar, HPS, Deputy Superintendent of Police, Head Quarter, Panipat on behalf of respondent No.1 has been filed. The same is taken on record.

[5]. Learned counsel for the petitioner submitted that vide order dated 28.01.2020, both the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements in respect of genuineness of the compromise in question.

[6]. In compliance of the aforesaid order, both the parties appeared before the Addl. Chief Judicial Magistrate, Panipat for recording their statements in the context of genuineness of the compromise. A report dated 12.02.2020 has been received from the Addl. Chief Judicial Magistrate, Panipat. The same reads as under:-

“It is respectfully submitted that the undersigned was directed by the Hon'ble Punjab and Haryana High Court vide order dated 28.01.2020 passed in 126 CRM-M-3722-2020 to record the

statements of complainant as well as accused person regarding genuineness of compromise effected between them in case FIR No.1156 dated 03.12.2019 under Sections 408 IPC, P.S. Chandnii Bagh, Panipat District Panipat and to submit a report. The complainant as well as accused appeared in Court on 06.02.2020. All of them got recorded their separate statements stating therein that a compromise has been effected between them. On the basis of statements made by the parties, this Court is of the considered view that the compromise effected between the parties is genuine and without any coercion or pressure. Point wise, information pertaining to the present case is: i) only one accused is facing the trial and ii) one of the accused is proclaimed offender at any stage of trial. The copy of compromise and statements of parties are hereby sent herewith.

The requisite report is being submitted please.”

[7]. In view of report submitted by the Addl. Chief Judicial Magistrate, Panipat, this Court is of the firm opinion that in view of compromise between the parties, there would be remote and negligible chances of the witnesses coming forward to depose in favour of the prosecution version. There would be remote chances of conviction, therefore, in order to put an end to the controversy for all times to come, exercise of inherent powers under Section 482 Cr.P.C would be in the interest of justice to facilitate both the parties to arrive at peaceful resolution of the dispute and also to maintain public tranquility in the area. The

offence is personal in nature and the same does not involve any mental depravity and also does not involve any offence under Prevention of Corruption Act. In such situation, exercise of inherent jurisdiction in terms of Section 482 Cr.P.C would be in consonance with the requirement of law to meet ends of justice and to prevent unnecessary continuation of criminal proceedings, which would ultimately result in vacuum. Powers under Section 482 Cr.P.C can be exercised in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be in fully consonance with the direction issued by the Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543.**

[8]. Learned State counsel has objected to the aforesaid course, but in the interest of justice and also to prevent unnecessary continuation of criminal proceedings, I am of the view that inherent powers under Section 482 Cr.P.C can be exercised in order to achieve ends of justice.

[9]. Resultantly, FIR No.1156 dated 03.12.2019 registered under Sections 408 IPC at Police Station Chandnibagh,

Panipat, District Panipat as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[10]. Petition stands disposed of.

January 11, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No