

205

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 19.07.2021

1.CRM-M No.13022 of 2021

SANJEEV KUMARPetitioner

Vs

STATE OF HARYANA AND ANOTHERRespondent

2.CRM-M No.15791 of 2021

SANJEEV KUMARPetitioner

Vs

STATE OF HARYANA AND ANOTHERRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr.Mrigank Sharma, Advocate
for the petitioner.

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

Ms. Vaishali Kamboj, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

The cases have been taken up for hearing through
video conferencing.

Vide this common order CRM-M No.13022 of 2021 &
CRM-M No.15791 of 2021 are being disposed of.

CRM-M No.15791 of 2021 & CRM-M No.13022 of 2021 2

CRM-M No.13032 of 2021 has been preferred by the petitioner for quashing of FIR No.68, dated 26.02.2021 registered under Section 406, 420 IPC at Police Station Naraingarh, on the basis of compromise. CRM-M No.15791 of 2021 has been preferred by the petitioner for grant of anticipatory bail.

Notice of motion was issued in CRM-M No.15791 on the premise that there was an agreement to sell executed between the complainant and accused Nos.1 and 2 in respect of property belonging to petitioner/accused No.3. The petitioner was never party to any agreement to sell but he has already settled the dispute by way of effecting compromise on 10.03.2021. Interim order was also passed in favour of the petitioner for joining the investigation.

In CRM-M No.13032 of 2021, notice of motion was issued on 22.03.2021 and parties were directed to appear before the Illaqa Magistrate on 06.04.2021 for recording their statements. In the context of genuineness of the compromise in question, in pursuance of the said order, both the parties have appeared before the Sub-Divisional Judicial Magistrate-cum-Additional Civil Judge (Senior Division), Naraingarh and their statements have been recorded to the satisfaction of the Court that a valid compromise has been effected between them. The

compromise in question is genuine, voluntary, without any coercion and undue influence. Statements of both the parties as well as statement of the Investigating Officer have also been recorded and it has been found that none of the accused is proclaimed offender/person.

In view of report submitted by the trial Court, 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.**

Resultantly, FIR No.68 dated 26.02.2021 registered under Sections 406, 420 IPC at Police Station Naraningarh, District Ambala as well as all the subsequent proceedings arising therefrom, are hereby quashed.

Since the FIR in question has been quashed, therefore CRM-M No.15791 of 2021 is rendered infructuous. Ordered accordingly.

Disposed of.

19.07.2021

Amandeep

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No