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

(Through video conferencing)

**1. CRM-M No.24629 of 2021
Date of Decision: 09.09.2021**

**KAMAL KUMARPetitioner
Vs
STATE OF HARYANA AND ANOTHERRespondents**

2. CRM-M No.10432 of 2021

**KAMAL KUMARPetitioner
Vs
STATE OF HARYANARespondent**

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

Present:Mr. Namit Khurana, Advocate and
Ms. Vijay Lakshmi, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana and
Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

[1]. Vide this common order, CRM-M Nos.24629 of 2021 and 10432 of 2021 are being decided. Since both the cases have arisen out of same FIR, therefore, facts are being culled out from CRM-M No.24629 of 2021.

[2]. In CRM-M No.24629 of 2021, prayer is for quashing of FIR No.114 dated 22.10.2019 registered under Sections 420 & 506 IPC at Police Station Sadar Jagadhri, District Yamuna

Nagar along with all the subsequent proceedings arising therefrom, on the basis of compromise. In CRM-M No.10432 of 2021, petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in the aforesaid case.

[3]. Vide order dated 06.07.2021 passed in CRM-M No.24629 of 2021, the parties were directed to appear before the *Illaq*a Magistrate on 19.07.2021 for recording their statements in the context of genuineness of the compromise in question.

[4]. In compliance of the aforesaid order, a report dated 20.07.2021 has been received from the Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, endorsing that the parties have entered into a valid compromise without any undue influence or coercion. The statements of the parties have been recorded by the Court which were found to be voluntary in nature. The Court has also observed on verification from the Investigating Officer that no other case is found to have been registered against the petitioner in Police Station, Sadar Jagadhri. Only petitioner is shown accused in the FIR and the petitioner is not a proclaimed offender/person in any manner.

[5]. In CRM-M No.10432 of 2021, notice of motion was issued on 05.03.2021 on the premise that as per allegations, an

amount of Rs.2 lakhs was paid to the petitioner through RTGS and Rs.1 lakh was paid in cash. The factum of Rs.1 lakh was disputed by the petitioner. However, the amount received through RTGS was claimed to be towards loan of Rs.6 lakhs advanced by the petitioner to the complainant. Petitioner showed his willingness to deposit the amount of Rs.2 lakhs in the account of the complainant. Subject to deposit of Rs.2 lakhs in the account of the complainant, the arrest of the petitioner was stayed.

[6]. According to para no.5 of the reply filed by way of affidavit of Desh Raj, HPS, Deputy Superintendent of Police, Yamuna Nagar, an amount of Rs.2,10,000/- is verified. That amount stands deposited by the petitioner in the account of the complainant.

[7]. Perusal of the report sent by the Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri would show that the parties have effected genuine compromise without there being any pressure, coercion or undue influence. In view of compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.P.C can be exercised in such like situation 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.114 dated 22.10.2019 registered under Sections 420 & 506 IPC at Police Station Sadar Jagadhri, District Yamuna Nagar, as well as all the subsequent proceedings arising therefrom, are hereby quashed. CRM-M No.24629 of 2021 stands disposed of.

[10]. Since the FIR has been quashed on the basis of compromise, therefore, CRM-M No.10432 of 2021 is rendered infructuous. Ordered accordingly.

September 09 , 2021
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No