

229

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.30724 of 2020

Date of Decision: 15.01.2021

ASHWANI KUMAR

.....Petitioner

Vs

STATE OF HARYANA AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Anshul Gupta, Advocate
for the petitioner.

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

Mr. Virendra, Advocate
for respondent No.2.

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.43 dated 13.02.2020 registered under Section 379-A IPC, converted to Section 379-B IPC (Section 201 IPC added later on) at Police Station Pinjore, District Panchkula, along with all subsequent proceedings on the basis of compromise.

[3]. Vide order dated 01.10.2020, parties were directed to

appear before the Illaqa Magistrate/trial Court for recording their statements in respect of genuineness of the compromise in question.

[4]. In compliance of the aforesaid order, both the parties appeared before the Sub-Divisional Judicial Magistrate, Kalka on 07.10.2020 for recording their statements in the context of genuineness of the compromise. A report dated 07.10.2020 has been received from the Sub-Divisional Judicial Magistrate, Kalka. The same reads as under:-

“Statements of the parties i.e., complainant Harjinder Kaur and accused Ashwani Kumar, in case FIR No.43 dated 13.02.2020, under Sections 379-B and 201 of IPC, Police Station, Pinjore, District Panchkula have been recorded regarding compromise between them. There is one complainant and one accused in the present case. As per record, there is no Proclaimed Person in the present case.

Perusal of statements of the parties, Compromise Deed Ex.C1 and affidavits Ex.C2 and Ex.C3 show that they have amicably settled the matter after arriving at a compromise and settlement, voluntarily and without any fear or pressure from any side. The compromise seems to be genuine.

The original statements of the parties and their Affidavits are being sent with the present report for your kind perusal along with copy of Compromise Deed Ex.C1.

Submitted please.”

[5]. In view of report submitted by the Sub-Divisional

Judicial Magistrate, Kalka, 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.

[6]. 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.

[7]. Resultantly, FIR No.43 dated 13.02.2020 registered under Section 379-A IPC, converted to Section 379-B IPC (Section 201 IPC added later on) at Police Station Pinjore, District Panchkula, as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

January 15, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No