

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

Date of Decision:01.09.2021

CRM-M-27762 of 2020 (O&M)

Pinki and another

---Petitioners

versus

State of Haryana and another

---Respondents

CRM-M-9624 of 2021

Pinki and another

---Petitioners

versus

State of Haryana

---Respondent

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

Present: Mr. Naveen Kumar Jaglan, Advocate
for the petitioners in CRM-M- 27762 of 2020

Mr. Amit Chaudhary, Advocate
for the petitioners in CRM-M-9624 of 2021

Mr. Rajat Gautam, Deputy Advocate General,
Haryana

RAJ MOHAN SINGH, J. (Oral)

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

Vide this common order CRM-M No. 27762 of 2020

(quashing petition) and CRM-M-9624 of 2021 (anticipatory bail) are being disposed of as both the petitions have arisen from same FIR. Facts are being taken from CRM-M No.27762 of 2020.

Prayer in this petition (CRM-M No.27762 of 2020) is for quashing of FIR No. 407 dated 21.5.2020 registered under Sections 420, 406, 120-B, 506 of the Indian Penal Code (Sections 370 and 384 IPC and Section 24 of the Immigration Act added later on), at Police Station Model Town, District Panipat along with all subsequent proceedings arising therefrom on the basis of compromise.

Initially, CRM-M No. 15408 of 2020 and CRM-M No. 17657 of 2020 were filed in the High Court and were dismissed on 6.8.2020. Thereafter, a compromise was effected between the parties on 15.9.2020 and on the basis of said compromise, CRM-M No. 27762 of 2020 was filed for quashing of FIR on the basis of compromise.

Only two accused/petitioners have come forward to seek quashing of the FIR on the basis of compromise. On 17.2.2021, following order was passed in CRM-M-27762 of 2020:-

“The case has been taken up for hearing through video-conferencing.

In pursuance of order dated 13.10.2020, learned State counsel submits that out of 3 accused,

compromise has been effected between the complainant and accused Nos.1 and 2 i.e. Pinki and Rajesh. No compromise has been effected with Balbir Singh who is statedly living abroad.

*Learned counsel for the petitioner submits that Balbir Singh was in Canada even at the time of registration of FIR. FIR can be quashed partially on the basis of compromise on the strength of **Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) RCR (Criminal) 589, Parambir Singh Gill Vs. Malkiat Kaur, 2010(1) RCR (Criminal) 256 and CRM-M No.18632 of 2014 titled Ashok Kumar Garg and another Vs. State of Punjab and others** decided on 07.08.2015.*

Both the parties would appear before the Illaqa Magistrate on 01.03.2021 for recording their statements. The concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.

Adjourned to 12.05.2021.”

In compliance of the abovesaid order, both the parties have appeared before the Additional Chief Judicial Magistrate, Panipat on 1.3.2021 and made their statements in the context of genuineness of the compromise. The Court after recording statements of the parties has found that the compromise is voluntary in nature and the same is without any pressure,

coercion or undue influence. For ready reference, the report of the Additional Chief Judicial Magistrate, Panipat is reproduced hereunder:-

“Respected Sir,

I have the honour to submit that in pursuance of the order passed by the Hon'ble High Court dated 17.2.2021 in CRM-M- 27762 of 2020 (O&M), the statement of the complainant, as well as accused persons were recorded whereby complainant and accused persons stated that they have compromised the matter in hand. They stated that they have entered into compromise voluntarily without any external coercion or pressure. They were given sufficient time to ensure the voluntary nature of the compromise. In the considered opinion of the undersigned, the compromise so effected is for the amicable settlement of the dispute and was effected without any external pressure, coercion or force and is valid compromise. Original statements of the parties and copies of zimni orders dated 01.03.2021 are enclosed herewith for kind perusal of Hon'ble High Court. The requisite report is submitted herewith for information and necessary action.

Thanking you,

Yours faithfully,

(Manoj Kumar Rana)

Additional Chief Judicial Magistrate,

Panipat

Encl.

As above.”

In view of report submitted by the 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.

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.

Resultantly, FIR No. 407 dated 21.5.2020 registered under Sections 420, 406, 120-B, 506 of the Indian Penal Code (Sections 370 and 384 IPC and Section 24 of the Immigration Act added later on), at Police Station Model Town, District Panipat as well as all the subsequent proceedings arising therefrom, are hereby quashed, qua the petitioners.

In view of the above order, **CRM-M- 9624 of 2021** has become infructuous and is disposed of as such.

**(RAJ MOHAN SINGH)
JUDGE**

01.09.2021
PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No