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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.28350 of 2020

Date of Decision: 15.01.2021

LABH SINGH @ KAKA AND ANR

.....Petitioners

Vs

STATE OF HARYANA AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ram Kumar Saini, Advocate
for the petitioner.

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

Mr. Pranjal P. Chaudhary, 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.440 dated 28.05.2020 registered under Section 420 IPC (later on added Section 406 IPC and Section 24 of Emigration Act, 1983), at Police Station Baldev Nagar, District Ambala, along with all subsequent proceedings on the basis of compromise.

[3]. Vide order dated 17.09.2020, 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 Judicial Magistrate Ist Class, Ambala on 28.09.2020 for recording their statements in the context of genuineness of the compromise. A report dated 05.10.2020 has been received from the Judicial Magistrate Ist Class, Ambala. The same reads as under:-

(i)	<i>Number of persons arrayed as accused in FIR?</i>	<i>In the present case, two accused have been arrayed namely Labh Singh @ Kaka and Baljeet Singh Dhillon.</i>
(ii)	<i>Whether any accused is a proclaimed offender?</i>	<i>As per IO of the case, none of the accused has been declared as proclaimed offenders and there are only two accused.</i>
(iii)	<i>Whether the compromise is genuine, voluntary and without any coercion or undue influence?</i>	<i>Both the parties have admitted that the compromise has been effected by them and it appears to be genuine and valid. I am satisfied that the compromise has been arrived at with the free consent of the parties and without any undue influence or coercion from any side.</i>

The statements of the accused persons, complainant, Investigating Officer have been recorded. The statements of the parties and Investigating Officer and compromise Ex.C1 (in original) are enclosed herewith for kind consideration please."

[5]. In view of report submitted by the Judicial Magistrate Ist Class, Ambala, 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.440 dated 28.05.2020 registered under Section 420 IPC (later on added Section 406 IPC and Section 24 of Emigration Act, 1983), at Police Station Baldev Nagar, District Ambala, as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

January 15, 2021
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No