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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.33744 of 2020
Date of Decision: 08.02.2021

RAVI @ NAVNEET

.....Petitioner

Vs

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Anoop Kumar Yadav, Advocate
for the petitioner.

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

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.168 dated 07.04.2020 registered under Sections 323/346/506 IPC at Police Station City Mahendergarh, District Mahendergarh along with all the subsequent proceedings arising therefrom, on the basis of compromise.

[3]. Reply filed by way of affidavit of Kushal Singh, HPS, Deputy Superintendent of Police, Mahendergarh, District Mahendergarh on behalf of respondent No.1, is taken on record,

subject to all just exceptions.

[4]. Notice of motion was issued on 27.10.2020 and the parties were directed to appear before the *Ilalaqa* Magistrate for recording their statements in respect of genuineness of the compromise in question.

[5]. In compliance of the aforesaid order, a report has been received from the Sub-Divisional Judicial Magistrate, Mohindergarh. Relevant part of the said report reads as under:-

“2. In view of the directions of the Hon'ble High Court, on 26.11.2020 prosecutrix appeared before the learned Duty Magistrate as the undersigned was on casual leave on 26.11.2020 and got recorded her statement to the effect that she has compromised the matter with accused Ravi @ Navneet son of Omparkash without any fear or pressure. She submitted that she was deposing before the Court without any pressure or fear and she has no objection in quashing the FIR registered against the accused. The statement of prosecutrix was recorded by Sh. Mohd. Imtiyaz Khan, learned Duty Magistrate, Mohindergarh and the prosecutrix was duly identified by Sh. Raj Kumar Yadav, Advocate.

3. Since the accused Ravi @ Navneet was stated to be in custody on 26.11.2020, therefore, the learned Duty Magistrate, after obtaining report of concerned Ahlmad evidencing the fact that accused is in custody in the FIR in question, ordered to issue production warrant of the accused for 01.12.2020.

4. Today i.e. 01.12.2020, accused Ravi @ Navneet

has been produced before the Court by the District Jail Narnaul authorities in view of the production warrant so issued. Accused Ravi @ Navneet suffered a statement to the effect that compromise has been effected between him and the prosecutrix. Prosecutrix got lodged FIR against him under some misconception. Now the compromise has been effected without any fear or pressure. Therefore, the FIR against him may be quashed. Statement of accused has been recorded by the undersigned duly identified by Sh. Parveen Kumar, learned APP for the State and SI Ram Niwas, Additional Guard Incharge.

5. *The statements of the parties in original are annexed herewith as Annexure-A (prosecutrix) and Annexure-B (accused) for the kind perusal of His lordship.”*

[6]. Perusal of the aforesaid report would show that the parties have effected genuine compromise. The complainant is not willing to carry on with the prosecution case against the petitioner. 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.**

[7]. 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.

[8]. Resultantly, FIR No.168 dated 07.04.2020 registered under Sections 323/346/506 IPC at Police Station City Mahendergarh, District Mahendergarh as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[9]. Petition stands disposed of.

February 08, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No