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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.36457 of 2020
Date of Decision: 06.01.2021

RANBIR SINGH AND ANR

.....Petitioners

Vs

STATE OF HARYANA AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sachin Mittal, Advocate
for the petitioners.

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

Mr. Jai Singh Yadav, 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.270 dated 17.07.2019 registered under Sections 120-B, 34, 406, 420, 447, 467, 468, 471 IPC at Police Station Khedki Daula, Gurugram, on the basis of compromise.

[3]. Vide order dated 06.11.2020, 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, Gurugram on 09.12.2020 for recording their statements in the context of genuineness of the compromise. A report dated 21.12.2020 has been received from the Judicial Magistrate Ist Class, Gurugram. The relevant part of the report reads as under:-

“(i) With regard to the compromise between the parties, it is respectfully mentioned that in view of the statement of both the parties, this Court is satisfied that the matter has been voluntarily compromised between the parties and the complainant has entered into a settlement with the accused persons out of her own volition and same is without any influence or coercion.

(ii) As per the report of IO/ASI Om Parkash, none of the accused was declared as proclaimed offender.

(iii) As per the report of IO/ASI Om Parkash, total two accused namely Ranbir Singh and Arvind Kumar involved in this case.

Original statements of the complainant and accused are attached herewith for kind perusal of the Hon'ble High Court.”

[5]. In view of report submitted by the Judicial Magistrate Ist Class, Gurugram, 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.270 dated 17.07.2019 registered under Sections 120-B, 34, 406, 420, 447, 467, 468, 471 IPC at Police Station Khedki Daula as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

January 06,2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No