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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.36471 of 2020(O&M)
Date of Decision: 07.01.2021

Manoj Mehta and others

.....Petitioners

Vs

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Abhay Gupta, Advocate
for the petitioners.

Mr. Rajat Gautam, DAG, 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.0519 dated 27.07.2020 registered under Sections 323, 34, 406, 498-A, 506 IPC at Police Station Baldev Nagar, Ambala along with

all subsequent proceedings arising therefrom on the basis of compromise.

[3]. Vide order dated 06.11.2020, both the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements in the context of genuineness of the compromise.

[4]. In compliance of order dated 06.11.2020, both the parties have appeared before JMIC, Ambala on 17.11.2020. Statements of the parties have been recorded. JMIC, Ambala has submitted her report to the following effect:-

"I have honour to refer to order dated 06.11.2020 passed by the Hon'ble High Court in the subject cited above. In compliance to the said order, both the parties i.e. accused persons namely Manoj Mehta, Prem Lata, Mohit Mehta and complainant Anu appeared on 17.11.2020 before the Court of Ms. Anita Rani, learned Duty/JMIC, Amabala. Both the parties were asked whether the compromise has been arrived with their free consent. They got recorded their separate statements recorded that the matter has been compromised without any pressure or coercion from any side. Though as such no copy of compromise separately has been placed on record. Point wise information as sought by the Hon'ble High Court is submitted as under:-

(i)	<i>Number of persons arrayed as accused in FIR?</i>	<i>In the present case, three accused have been arrayed namely Manoj Mehta, Mohit Mehta and Prem Lata.</i>
(ii)	Whether any accused is a proclaimed offender?	As per IO of the case, none of the accused has been declared as proclaimed offenders or proclaimed persons and there are only three accused
(iii)	Whether the compromise is genuine, voluntary and without any coercion or undue influence?	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.”

[5]. In view of report submitted by the trial Court, 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.0519 dated 27.07.2020 registered under Sections 323, 34, 406, 498-A, 506 IPC at Police Station Baldev Nagar, Ambala as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

07.01.2021	(RAJ MOHAN SINGH)
<i>Prince</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No