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

(Through video-conferencing)

**1. CRM-M No.41623 of 2020 (O&M)
Date of Decision: 19.07.2021**

**Niraj KumarPetitioner
Vs
State of Haryana and anotherRespondents**

2. CRM-M No.43115 of 2020 (O&M)

**Niraj KumarPetitioner
Vs
State of HaryanaRespondent**

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

Present:Mr. Ankur Sidhar, Advocate for
Mr. Mohit Rathee, Advocate
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M No.41623 of 2020 and
43115 of 2020 are being decided.

In CRM-M No.41623 of 2020, petitioner seeks quashing
of FIR No.432 dated 02.12.2020 registered under Sections
285/427/452/506 IPC and Section 25 of the Arms Act at Police
Station Sadar Gohana, District Sonipat along with all the
subsequent proceedings arising therefrom, on the basis of

compromise, whereas in CRM-M No.43115 of 2020, petitioner seeks grant of anticipatory bail in the same very FIR.

Since both the cases have arisen out of same FIR, therefore, facts are being culled out from CRM-M No.41623 of 2020.

Vide order dated 11.12.2020 passed in CRM-M No.41623 of 2020, both the parties were directed to appear before the concerned CJM/Illaq Magistrate/Trial Court to get their statements recorded in the context of genuineness of the compromise in question.

Both the parties have already appeared before the Judicial Magistrate Ist Class, Gohana and have recorded their statements. The Court has also recorded the statement of complainant/respondent No.2-Dhirpal Punia to the effect that he had moved a complaint against the petitioner (Niraj Kumar) in Police Station Sadar Gohana on suspicion and doubt and FIR in question was registered. Now he has submitted that name of the petitioner was on account of some misunderstanding as he has not done any incriminating act. Now both the parties have already resolved their dispute with each other without any pressure or coercion from any side. The complainant does not wish to proceed against the petitioner (Niraj Kumar) and the FIR be cancelled. The complainant has been identified by his

counsel.

The Court has also recorded statement of SI Rajender. According to his statement there is no other case against the petitioner. No proclamation proceedings are pending against him.

Perusal of the aforesaid report would show that the parties have effected genuine compromise without there being any pressure, coercion or undue influence. 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.**

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.432 dated 02.12.2020 registered under Sections 285/427/452/506 IPC and Section 25 of the Arms Act at Police Station Sadar Gohana, District Sonipat, as well as all the subsequent proceedings arising therefrom, are hereby quashed. Petition stands allowed.

In CRM-M No.43115 of 2020, notice of motion was issued on 21.12.2020 and arrest of the petitioner was stayed till the next date of hearing. Since the FIR has been quashed along with all subsequent proceedings on the basis of compromise, therefore, this petition is rendered infructuous. Ordered accordingly.

July 19, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)

JUDGE

Yes/No

Yes/No