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

**CRM-M No.42120 of 2020(O&M)
Date of Decision:22.02.2021**

Deepak and another

.....Petitioners

Vs

State of Haryana and another

.....Respondents

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

Present:Mr. Shalender Rana, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Manoj Kumar Pundir, Advocate
for respondent No.2.

(Through video conferencing)

RAJ MOHAN SINGH, J.(Oral)

[1]. Prayer in this petition is for quashing of FIR No.854 dated 07.11.2020 registered under Sections 323, 324, 34, 452, 506 IPC at Police station Karnal Sadar, District Karnal along with all the subsequent proceedings arising therefrom, on the basis of compromise.

[2]. Notice of motion was issued on 15.12.2020 and 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. Illaqa

Magistrate/trial Court was also directed to submit its report with regard to genuineness of the compromise.

[3]. In compliance of the aforesaid order, trial Court has submitted its report to the following effect:-

"I have the honour to submit that in compliance of order dated 15.12.2020 of Hon'ble High Court passed in aforesaid petition, on 28.1.2021 Sh. G.P. Gareta, Advocate for accused/petitioners Deepak & Surender and Sh. Anurgah Bhatia, Advocate for complainant/respondent No.2 Parmod Kumar filed their respective power of attorneys. Parties appeared in person before the undersigned. Statements of parties recorded regarding compromise. They placed on record self attested copies of their aadhar cards to prove their identities. They were identified by their respective counsel. Please find enclosed herewith copies of statements of accused/petitioners Deepak & Surender as Annexure-1 & Annexure-II and copy of statement of accused complainant/respondent No.2 Parmod Kumar as Annexure-III.

2. Police report has already been received copy of which is Annexure-IV. On the basis of the statements of the parties and police report, report of the undersigned on the required points is as follows:-

a) On the basis of statements of the parties,

undersigned is of the view that compromise between the parties is authentic and same has been arrived at without any undue influence or pressure.

b) As per police report, in the present case there are only two accused namely Deepak & Surender and complainant is Parmod Kumar son of Hukam Chand. Even as per copy of FIR annexure-V, there are only two accused namely Deepak & Surender and only one complainant/victim namely Parmod son of Hukam Chand. In these circumstances, undersigned is of the view that there is no other person involved in the occurrence whose consent is required for the purpose of compromise.

c) As per police report, there is no other criminal history of accused.

Above report submitted please.”

[4]. 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.**

[5]. 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.

[6]. Resultantly, FIR No.854 dated 07.11.2020 registered under Sections 323, 324, 34, 452, 506 IPC at Police station Karnal Sadar, District Karnal as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

22.02.2021

Prince

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No