

**(280) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-5915-2022

Date of decision :.20.07.2022

ANIL KUMAR & ANOTHER

... Petitioners

Versus

STATE OF HARYANA & ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bijender Dhankar, Advocate for the petitioners.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Balkar Singh, Advocate for respondent No.2.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.26 dated 14.01.2015 (Annexure P-1) registered under Sections 406, 420, 467, 468, 471 and 120-B IPC at Police Station Sadar Jhajjar, District Jhajjar along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the petitioner and respondent no.2.

Vide order dated 15.02.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 15.02.2022 with regard to the compromise (Annexure P-4).

In terms of the order dated 15.02.2022 by this Court parties have appeared before the Court of Judicial Magistrate, 1st Class, Jhajjar, and as per his report dated 30.03.2022, both the parties have got recorded their respective statements in Court and accused-Anil Kumar

had already been declared proclaimed offender by the learned Trial Court vide order dated 20.12.2021.

In terms of the order dated 13.07.2022, Anil Kumar who was declared proclaimed offenders has surrendered and an order of the learned Judicial Magistrate 1st Class, Jhajjar has been received in the Court. The same is taken on record.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. In view of the compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.PC 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 fully in consonance with the direction issued by the Court in ***“Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543”***.

In view of the aforesaid report of the learned Judicial Magistrate, 1st Class, the FIR No.26 dated 14.01.2015 (Annexure P-1) registered under Sections 406, 420, 467, 468, 471 and 120-B IPC at Police Station Sadar Jhajjar, District Jhajjar and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.07.2022
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No