

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

CRM-M-6546-2021

Date of decision : 17.10.2022

DEEPAK SAINI AND ORS

... Petitioner(s)

Versus

STATE OF HARYANA AND ANR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Arora, Advocate for the petitioner(s).

Mr. Ravinder Singh, Asstt. A.G., Punjab.

Mr. Raman Chawla, Advocate for respondent No.2.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.03 dated 05.01.2015 (Annexure P-1) registered under Sections 323, 325, 193, 201, 34 IPC and Sections 25, 54, 59 Arms Act at Police Station Ballabhgarh Sadar, District Faridabad along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the petitioner and respondent no.2.

A reply dated 12.10.2022 has been filed on behalf of respondent No.1-State by the learned State counsel by way of an affidavit of Sukhbir Singh, HPS, Assistant Commissioner of Police, Tigaon, District Faridabad and the same is taken on record.

Vide order dated 12.02.2021 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 22.01.2021 (Annexures P-2 and P-3).

The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 12.02.2021 passed by this Court, the parties have appeared before the learned Addl. Chief Judicial

Magistrate, Faridabad and as per the report dated 02.04.2021 submitted to this Court, both the parties have got recorded their respective statements in Court.

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 Addl. Chief Judicial Magistrate, Faridabad accompanied by statements of both the parties, the FIR No.03 dated 05.01.2015 (Annexure P-1) registered under Sections 323, 325, 193, 201, 34 IPC and Sections 25, 54, 59 Arms Act at Police Station Ballabhgarh Sadar, District Faridabad along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

17.10.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No