

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-5428-2019

Date of Decision:-27.04.2022

Mohd. Rafeek & Ors.

.....Petitioners.

Versus

State of Haryana & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. J.S. Hooda, Advocate for Petitioners.

Mr. Amit Aggarwal, Deputy Advocate General, Haryana.

Mr. Harinder Pal Singh, Advocate for
Mr. K.L. Chaudhary, Advocate for respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for quashing of FIR No.241 dated 04.06.2018 (Annexure P-1) under Sections 409, 420, 467, 468, 471, 506 and 34 IPC registered at Police Station NIT Faridabad and all consequential proceedings arising therefrom on the basis of compromise in the shape of statement of settlement/No Due Certificate dated 26.12.2018 (Annexure P-2) arrived at between the petitioners and respondent no.2.

Vide order dated 30.05.2019 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 30.05.2019 with regard to the compromise in the shape of statement of settlement/No Due Certificate dated 26.12.2018 (Annexure P-2).

In terms of the order dated 30.05.2019 passed by this Court parties have appeared before the court of Ms. Meenakshi Yadav, Judicial Magistrate Ist Class, Faridabad and as per her report dated 02.09.2019

submitted to this Court, both the parties have got recorded their respective statements in Court.

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 Ist Class, Faridabad accompanied by statements of both the parties, the FIR No.241 dated 04.06.2018 (Annexure P-1) under Sections 409, 420, 467, 468, 471, 506 and 34 IPC registered at Police Station NIT Faridabad and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 27, 2022

Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No