

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7306-2021 (O & M)

Date of decision:08.09.2022

Amrik Singh and anr.

..... Petitioners

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Pankaj Bali, Advocate,
for the petitioners.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Ankit Aggarwal, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.195 dated 09.07.2020 under Sections 406, 420 IPC and Section 24 of the Immigration Act registered at Police Station Nising, Karnal and all subsequent proceedings arising therefrom on the basis of compromise dated 23.12.2020 (Annexure P-2) arrived at between the parties.

Reply dated 01.09.2022/03.09.2022 filed on behalf of the respondent No.1-State is taken on record.

Vide order dated 06.07.2022 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 06.07.2022 with regard to the compromise (Annexure P-2).

In terms of the order dated 06.07.2022 passed by this Court parties have appeared before the court of Additional Sessions Judge, Karnal and as per his report dated 01.09.2022 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.***

Further, the learned counsel for the petitioners, while placing reliance upon the judgments passed by the ***Hon'ble Supreme Court in Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589 and this Court in Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739- 2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017 and Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019,*** submits that partial quashing of the FIR was possible on the basis of a compromise.

In view of the law laid down in the aforesaid judgments and report of the Additional Sessions Judge, Karnal, accompanied by the joint statement of both the parties, the proceedings qua the present FIR No195 dated 09.07.2020 under Sections 406, 420 IPC and Section 24 of the Immigration Act registered at Police Station Nising, Karnal and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 08, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No