

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6929-2020 (O & M)

Date of decision: 04.08.2022

Kaptan

..... Petitioner

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sunny Namdev, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. M.S. Yadav, Advocate,
for respondent No.2-complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.516 dated 31.07.2018 under Sections 406, 420, 467, 468, 471 IPC with Police Station Sampla, District Rohtak and all consequential proceedings arising therefrom on the basis of compromise dated 02.02.2020 (Annexure P-1) arrived at between the parties.

Vide order dated 17.02.2020 this Court had directed the petitioners to deposit Rs.20,000/- as a pre-condition for recording statements qua alleged compromise, out of which Rs.,10,000/- was to be deposited with the Poor Patients' Welfare Research (PGIMER), Chandigarh and Rs.10,000/- with the Welfare Centre for Persons with Speech and Hearing Impairment, Chandan Nagar, Sector 15, Phase-2, Behind ITI, Gurugram, and thereafter, to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 17.02.2020

with regard to the compromise (Annexure P-1).

The learned counsel for the petitioners submits that in compliance of the aforesaid order, the petitioners had deposited the aforesaid amount and the receipts thereof had already been produced before the Judicial Magistrate Ist Class, Rohtak. A copy thereof has also been annexed with the report.

In terms of the order dated 17.02.2020 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class, Rohtak, and as per his report dated 20.07.2020 submitted to this Court, both the parties have got recorded their respective statements in the 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 Judicial Magistrate Ist Class, Rohtak, accompanied by the joint statement of both the parties, the FIR No.516 dated 31.07.2018 under Sections 406, 420,

consequential proceedings arising therefrom are hereby quashed qua the petitioner herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 04, 2022
sukhpreet

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