

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10651-2021 (O & M)

Date of decision: 26.04.2022

Ram Gopal @ Kala and ors.

.... Petitioners

V/s

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Goyal, Advocate, for the petitioners.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

None for respondents No.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for the quashing of the FIR No.158 dated 09.07.2020 (Annexure P-1) registered under Sections 147, 149, 323, 324 and 506 IPC (Section 326 IPC added later on) with Police Station Kalan Wali, District Sirsa, Haryana, and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

The learned State counsel seeks to place on record the reply by way of an affidavit of Yad Ram, HPS, Deputy Superintendent of Police, Kalanwali. Permitted to do so. The reply date 22.04.2022 is taken on record.

Vide order dated 09.03.2021 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 09.03.2021 with regard to the compromise (Annexure P-2).

In terms of the order dated 09.03.2021 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class, Dabwali and as per his report dated 06.04.2021, 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 Judicial Magistrate Ist Class, Dabwali, accompanied by the joint statement of both the parties, FIR No.158 dated 09.07.2020 (Annexure P-1) registered under Sections 147, 149, 323, 324 and 506 IPC (Section 326 IPC added later on) with Police Station Kalan Wali, District Sirsa, Haryana, and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 26, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No