

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

257

**CRM-M-16018-2021
Decided on : 22.08.2022**

Vikash Mishra and another

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Ishita Jain, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Sandeep Sharma, Advocate
for respondents No.2 & 3.

SANJAY VASHISTH, J. (Oral)

The prayer in this petition filed under Section 482 Cr.P.C., is for quashing of an FIR No.244, dated 20.08.2020, lodged under Sections 323, 406, 420, 506, 370, 384 of IPC and Section 24 of the Immigration Act, 1983, registered at Police Station Nissing, District Karnal (Annexure P-1), along with all consequential proceedings arising therefrom on the basis of a compromise/affidavit dated 01.04.2021 (Annexure P-2), arrived at between the parties.

Vide order dated 09.04.2022, this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise/affidavit dated 01.04.2021 (P-2).

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 orders dated 09.04.2022 passed by this Court, the parties have appeared before the learned Judicial Magistrate 1st Class, Karnal, and as per the report dated 28.06.2021 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 Judicial Magistrate 1st Class, Karnal, accompanied by statements of both the parties, the FIR No.244, dated 20.08.2020, lodged under Sections 323, 406, 420, 506, 370, 384 of IPC and Section 24 of the Immigration Act, 1983, registered at Police Station Nissing, District Karnal, along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 22, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*