

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28001-2022 (O & M)

Date of decision: 31.08.2022

Ashok and ors.

..... Petitioners

V/s

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rajesh Duhan, Advocate, for the petitioners.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Ms. Gurmeet Kaur, Advocate, for respondents No.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.1119 dated 21.11.2016 under Sections 148, 149, 323, 324, 506 IPC registered with Police Station Karnal Sadar, District Karnal and all subsequent proceedings arising therefrom on the basis of compromise dated 02.06.2022 (Annexure P-2) arrived at between the parties.

Vide order dated 04.07.2022 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 04.07.2022 with regard to the compromise (Annexure P-2).

In terms of the order dated 04.07.2022 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class, Karnal, and as per his report dated 27.07.2022 submitted to this Court, both the parties (the complainant—Sunil Kumar, injured-Gourav and petitioners/accused No.1 to 4, namely, Ashok, Balraj, Rahul and Sonu and Investigating Officer) have got recorded their respective statements in Court and the statement of petitioner No.5/accused, namely, Abhishek alongwith the complainant, injured and the investigating officer, have been record by the Principal Magistrate, Juvenile Justice Board, Karnal and a report dated 27.07.2022 has been submitted to this Court .

A perusal of the aforesaid reports 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 reports of the learned Judicial Magistrate Ist Class, Karnal, dated 27.07.2022 and Principal Magistrate, Juvenile Justice Board, Karnal, dated 27.07.2022 accompanied by the joint statement of both the parties, the FIR No. 1119 dated 21.11.2016 under Sections 148, 149, 323, 324, 506 IPC registered with Police Station Karnal Sadar, District Karnal and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 31, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No