

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

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1)

CRM-M-45393-2021
Decided on : 29.09.2022

Parkash Singh and others

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

2)

CRM-M-45539-2021

Lakhvir Singh and others

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Khushkaran K. Goyal, Advocate for
Mr. Rajesh Goyal, Advocate
for the petitioners (in CRM-M-45393-2021)
for respondents No.2 to 5 (in CRM-M-45539-2021).

Mr. Abhinav Singla, Advocate for
Mr. Amit Goyal, Advocate
for the petitioners (in CRM-M-45539-2021)
for respondents No.2 to 7 (in CRM-M-45393-2021).

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

By this order, I intend to dispose of CRM-M-45393-2021, titled as, “Parkash Singh and others Vs. State of Haryana and others”, and CRM-M-45539-2021, titled as, “Lakhvir Singh and others vs State of Haryana and others”, by recording following observations and directions separately in both cases:-

CRM-M-45393-2021

By way of present petition, petitioners are seeking quashing of

FIR No. 77, dated 08.04.2020, under Sections 285, 147, 148, 149, 188 of IPC and Section 27 of the Arms Act, 1959, registered at Police Sation Kalanwali, District Sirsa, Haryana (Annexure P-1), and all the subsequent proceedings arising therefrom, on the basis of compromise dated 10.09.2021 (Annexure P-2).

Vide order dated 01.11.2021, co-ordinate Bench of this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 10.09.2021 (Annexure P-2).

The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

In compliance thereof, the parties have appeared before the Judicial Magistrate Ist Class, Dabwali, Sirsa, and as per report dated 28.09.2022 submitted to this Court, both the parties have got recorded their respective statements before Illaqa Magistrate/trial 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, Sirsa, accompanied by statements of both the parties, the FIR No. 77, dated 08.04.2020, under Sections 285, 147, 148, 149, 188 of IPC and Section 27 of the Arms Act, 1959, registered at Police Station Kalanwali, District Sirsa, Haryana, along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made before Illaqa Magistrate/trial Court.

CRM-M-45539-2021

By way of present petition, petitioners are seeking for quashing of FIR No.77, dated 08.04.2020, under Sections 285, 147, 148, 149, 188 of IPC and Section 27 of the Arms Act, 1959, registered at Police Station Kalanwali, District Sirsa, Haryana (Annexure P-1), and all the subsequent proceedings arising therefrom, on the basis of compromise dated 10.09.2021 (Annexure P-2).

Vide orders dated 01.11.2021, Co-ordinate Bench of this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 10.09.2021 (Annexure P-2).

The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

In compliance thereof, the parties have appeared before the Judicial Magistrate Ist Class, Dabwali, Sirsa, and as per report dated 16.11.2021 submitted to this Court, both the parties have got recorded their respective statements before Illaqa Magistrate/trial 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, Sirsa, accompanied by statements of both the parties, the FIR No.77, dated 08.04.2020, under Sections 285, 147, 148, 149, 188 of IPC and Section 27 of the Arms Act, 1959, registered at Police Station Kalanwali, District Sirsa, Haryana, along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made before Illaqa Magistrate/trial Court.

(SANJAY VASHISTH)
JUDGE

September 29, 2022
J.Ram

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