

**(264) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-42554-2020

Date of decision : 11.10.2022

DEEPAK NARWAL @ DULICHAND

... Petitioner

Versus

STATE OF HARYANA & ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Yashveer Kharab, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

Mr. Varun Singh Dhanda, Advocate for the complainant.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.146 dated 05.06.2020 (Annexure P-1) registered under Sections 406, 420 IPC, 1860 and Section 24 Immigration Act, 1983, to which Section 120-B and 370 IPC were added later at Police Station Madhuban, District Karnal along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 17.12.2020 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 24.11.2020 (P-2) and 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 order dated 17.12.2020 passed by this Court, the parties have appeared before the learned Judicial Magistrate, 1st Class, Karnal and as per the report dated 19.01.2021 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 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***”.

Further, the learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739-2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017 and Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019***, submits that partial quashing of the FIR was possible on the basis of a compromise.

Keeping in view the law laid down by this Court in the aforementioned judgments and the report of the learned Judicial

Magistrate, 1st Class, Karnal the FIR No.146 dated 05.06.2020 (Annexure P-1) registered under Sections 406, 420 IPC, 1860 and Section 24 Immigration Act, 1983, to which Section 120-B and 370 IPC were added later at Police Station Madhuban, District Karnal along with all the consequential proceedings arising therefrom, are hereby quashed qua the petitioners only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

11.10.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No