

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

317

CRM-M-4364-2023 (O&M)

Date of decision: 25.05.2023

VISHNU @ BISHNU CHANDRA DASS & ANR.

...PETITIONER(S)

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Ashit Malik Advocate
for the petitioners.

Mr. R.S. Nain, DAG, Haryana.

Mr. Gautam Kumar, Advocate
for respondent No.2.

GURBIR SINGH, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.58, dated 11.05.2011 under Sections 420, 120-B, 506 of IPC registered at Police Station Siwan, District Kaithal (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 16.11.2022 (Annexure P-9), effected between the parties.

Learned counsel for the parties have stated that the present FIR may be quashed as the parties have amicably settled the dispute.

Learned State counsel submits that challan has been presented against the two persons only.

During the course of preliminary hearing, the trial Court was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise by this Court.

In compliance thereof, report dated 10.03.2023 from the Chief Judicial Magistrate Kaithal has been received through the District & Sessions Judge, Kaithal, with statements of the parties, in which, it has been mentioned that the compromise is genuine, voluntary and without any coercion or undue influence.

The powers under Section 482 Cr.P.C. 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 and others vs. State of Punjab and another”, 2007(3) RCR (Criminal) 1052 and “Gian Singh vs. State of Punjab and another”, 2012 (4) RCR (Criminal) 543.

In view of the aforesaid report of the Chief Judicial Magistrate Kaithal accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.58, dated 11.05.2011 under Sections 420, 120-B, 506 of IPC registered at Police Station Siwan, District Kaithal (Annexure P-1) and all consequential proceedings arising therefrom are hereby quashed, on the basis of compromise dated 16.11.2022 (Annexure P-9), *qua* the petitioners only.

(GURBIR SINGH)
JUDGE

25.05.2023
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No