

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6715-2022 (O & M)

Date of decision:29.04.2023

Shyam Das and ors.

..... Petitioners

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Kamlesh, Advocate,
for Mr. Parminder Singh, Advocate,
for the petitioners.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Sukhdeep Singh, Advocate,
for the respondent No.2-complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No.102 dated 26.06.2020 under Sections 24 of the Immigration Act, Sections 406, 420, 506 IPC registered at Police Station Kunjpura, District Karnal and all the consequent/subsequent proceedings arising therefrom on the basis of a compromise by way of affidavit dated 23.11.2021 (Annexure P-2) arrived at between the parties.

Vide order dated 07.04.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise (Annexure 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.

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Pursuant to the order dated 07.04.2022 passed by this Court, the parties i.e. petitioner No.3-Rekha Rani petitioners No.1 and 2, namely, Shyam Dass and Bihari Dass (through their Power of Attorney, namely, Mehar Singh, as they are residing abroad) have appeared before the Judicial Magistrate Ist Class, Karnal and as per the report dated 07.06.2022 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 petitioners, 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-**

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another, CRM-24945-2019 decided on 27.09.2019 and Vimal Kalra & others Versus State of Punjab & another, CRMM-20355-2022, decided on 25.07.2022 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 Judicial Magistrate Ist Class, Karnal, the FIR No. 102 dated 26.06.2020 under Sections 24 of the Immigration Act, Sections 406, 420, 506 IPC registered at Police Station Kunjpura, District Karnal alongwith all the consequent/subsequent proceedings arising therefrom, are hereby quashed qua the petitioners only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 29, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No