

2023:PHHC:144077

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-6635-2023 (O&M)
Date of decision: 14.11.2023

Sumit Kumar

....Petitioner

Versus

State of Haryana & Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Abhishek Sharma, Advocate
for Mr. Monish Kumar, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Raj Kumar Sharma, Advocate
for Mr. Arun Kumar, Advocate
for respondent No.2.

JASJIT SINGH BEDI J. (Oral)

The prayer in this petition is for quashing of FIR No.034 dated 23.01.2023 under Sections 323, 324, 34 and 506 IPC registered at Police Station Sector 32-33, Karnal, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 03.02.2023 (Annexure P-2).

Vide order dated 08.02.2023 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 08.02.2023 with regard to the compromise (Annexure P-2).

In terms of the order dated 08.02.2023 passed by this Court parties have appeared before the court of Chief Judicial Magistrate, Karnal and as per the report dated 03.07.2023 submitted to

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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 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*.

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-M37395-2016 decided on 16.05.2017, Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019 and Vimal Kalra & others Versus State of Punjab & another, CRM-M-20355-2022, decided on 25.07.2022* submits that partial quashing of the FIR was possible on the basis of a compromise.

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Keeping in view the law laid down by this Court in the
aforementioned judgments and the report of the Chief Judicial
Magistrate, Karnal, the FIR No.034 dated 23.01.2023 under Sections
323, 324, 34 and 506 IPC registered at Police Station Sector 32-33,
Karnal, District Karnal alongwith all the subsequent proceedings
arising therefrom, are hereby quashed *qua* the petitioner only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

14.11.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No