

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

239

CRM-M-9814 of 2021(O&M)
Date of Decision: 09.05.2023.

Rajkumar @ Raju

.....Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWALPresent: Mr. Ashish Pannu, Advocate
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

Mr. Kuldeep Sheoran, Advocate
for respondent No.2.

VIKRAM AGGARWAL, J. (ORAL)

1. The prayer in this petition is for quashing of the FIR No.197 dated 05.06.2020, under Section 406, 420 of the Indian Penal Code, 1860 (for short 'the IPC') and Section 370, 384 IPC (added later-on in charge-sheet) and Section 24 of Immigration Act, 1986, registered at Police Station Karnal Civil, District Karnal (Annexure P-1), along with all subsequent proceedings arising therefrom on the basis of a compromise/affidavit dated 24.12.2020 (Annexure P-2) arrived at between the petitioner and respondent no.2.

2. Vide order dated 02.03.2021, a Coordinate Bench of this Court had directed the parties to appear before the trial Court/Area Magistrate for getting their statements recorded with regard to the compromise/affidavit dated 24.12.2020 (Annexure P-2).

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

4. Pursuant to the order dated 02.03.2021 passed by this Court, the parties appeared before the Chief Judicial Magistrate, Karnal and as per the report dated 25.05.2021 submitted to this Court, both the parties got their respective statements recorded in Court.

5. 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. The powers under Section 482 Cr.P.C., can be exercised in such like situations 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 directions 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 Chief Judicial Magistrate, Karnal accompanied by statements of both the parties, the present petition is allowed and FIR No.197 dated 05.06.2020, under Section 406, 420 IPC and Section 370, 384 IPC (added later-on in charge-sheet) and Section 24 of Emigration Act, 1986, registered at Police Station Karnal Civil, District Karnal (Annexure P-1), along with all consequential proceedings arising therefrom is hereby quashed *qua* the petitioner.

May 09th, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*