

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10874-2021 (O & M)

Date of decision: 24.02.2023

Kaptan Singh alias Tana and ors.

.... Petitioners

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kiran Bala Jain, Advocate, for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Shreya Rana, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No.116 dated 04.06.2020 under Section 406/420 IPC at Police Station Ismailabad (Annexure P-1) and all consequential/subsequent proceedings arising therefrom on the basis of compromise/affidavit (Annexure P-2).

Vide order dated 09.03.2021 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 09.03.2021 with regard to the compromise/affidavit (Annexures P-2).

In terms of the orders dated 09.03.2021 passed by this Court, the parties have appeared before the court of Additional Sessions Judge, Kurukshetra as per the report dated 12.10.2022 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 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.***

In view of the aforesaid report of the Additional Sessions Judge, Kurukshetra, accompanied by the joint statement of both the parties, the present FIR No.116 dated 04.06.2020 under Section 406/420 IPC at Police Station Ismailabad (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 24, 2023
Sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No