

**242 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-15837-2021

Date of Decision: January 11, 2023

Kartar Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Manoj Tanwar, Advocate for petitioner.

Mr. Vijesh Sharma, AAG, Haryana.

Mr. Aruz Khan, Advocate for

Mr. Sanwar Ali, Advocate for respondent No.2

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C. the petitioners pray for quashing FIR No.90, dated 30.10.2017 (P-1), under Sections 420, 467, 468, 471 IPC registered at Police Station Mohindergarh, District: Mohindergarh, Haryana along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 24.03.2021 (P-2).

2. As per the allegations the petitioner had stolen the Matric certificate belonging to his brother and misused the same for the purpose of getting job with the Indian Army. To this, learned counsel for the petitioner submits that the petitioner served the Indian Army for a period of 24 years and there was no such complaint ever made against him at any stage. He also submits that the certificates provided by the petitioner at the time of his recruitment were duly got verified by the Army Officials.

3. Vide Order dated 09.04.2021, this Court directed the parties to appear before Illaqa magistrate/trial Court for getting their statements

recorded in terms of certain parameters mentioned therein, with regard to the compromise dated 24.03.2021 (Annexure P-2) arrived at between the parties.

4.. In terms of the order dated 09.04.2021 passed by this Court, parties appeared before the Court of Munish Nagar, Addl. Civil Judge (Sr. Divn.)-cum-Sub-Divisional Judicial Magistrate, Mohindergarh and as per report dated 13.05.2021 submitted to this Court, both the parties got recorded their respective statements in Court.

5 Perusal of the aforesaid report would show that the compromise is genuine, voluntary and has been effected without any threat, fear, inducement and pressure. As per the report, there is no other accused except the present petitioners. 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.***

6. Thus, in view of the aforesaid report of the learned Addl. Civil Judge (Sr. Divn.)-cum-Sub-Divisional Judicial Magistrate, Mohindergarh accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.90, dated 30.10.2017 (P-1), under Sections 420, 467, 468, 471 IPC registered at Police Station Mohindergarh, District: Mohindergarh,

Haryana and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein subject to deposit of Cost of Rs.10,000/- in the following account:-

Account name:- Punjab and Haryana high court
Association Lawyer's Welfare Fund
Account No:41564846387
Bank Name: S.B.I. Punjab and Haryana High Court Branch.

7. Petition stands disposed of.

11.01.2023
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(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

