

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-19741-2023(O&M)

Date of Decision:-29.08.2023

Gurinder Singh @ Giani & Ors.

.....Petitioners.

Vs.

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rahul Deswal, Advocate for the Petitioners.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Mr. Sween Chaudhay, Advocate for respondent nos.2 to 4.

JASJIT SINGH BEDI, J.(ORAL)

CRM-36198-2023

The prayer in the application under Section 482 Cr.PC is for impleading the victim as necessary party respondent no.5.

Heard.

For the reasons stated in the application duly supported by affidavit of the counsel for the petitioners, the same is allowed and Gurpreet Singh son of Bharam Singh is hereby ordered to be impleaded as party respondent no.5 for the purpose of pursuing the present petition. Amended memo of parties filed along with the application is taken on record. Registry to place the same at appropriate place and paginate the paper book accordingly.

CRM-M-19741-2023

The prayer in this petition is for quashing of FIR No.29 dated 03.02.2023 under Sections 147, 149, 323, 341, 506 IPC registered at P.S. Sadar Ratia, District Fatehabad and all consequential proceedings arising therefrom on the basis of compromise dated 24.03.2023 (Annexure P-2) arrived at between the parties.

Vide order dated 24.04.2023 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 24.04.2023 with regard to the compromise dated 24.03.2023 (Annexure P-2).

In terms of the order dated 24.04.2023 passed by this Court parties have appeared before the court of Ms. Shivani Garg, Judicial Magistrate Ist Class, Ratia (Fatehabad) and as per report dated 03.06.2023 & 22.08.2023 submitted to this Court, both the parties have got recorded their respective statements in Court.

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 learned Judicial Magistrate Ist Class, Ratia (Fatehabad) accompanied by statements of both the parties, the FIR No.29 dated 03.02.2023 under Sections 147, 149, 323, 341, 506 IPC registered at P.S. Sadar Ratia, District Fatehabad and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 29, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No