

CRM-M-36406 of 2021 (O & M)
(263)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36406 of 2021 (O & M)
Date of decision: 28.11.2023

Gurmukh Singh

..... Petitioner(s)

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vikram Singh, Advocate,
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana.

Mr. Sachin Mankash, Advocate,
for Mr. Sandeep Sharma, Advocate,
for the respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No.18 dated 20.01.1999 under Sections 420, 467, 471, 474, 506 IPC registered at Police Station Nissing, District Karnal (Annexure P-1) and order dated 01.07.2006 (Anneuxre P-2) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.08.2021 (Annexure P-3).

Vide orders dated 16.11.2021 and 07.04.2022, 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 16.11.2021 with regard to the compromise (Annexure P-3).

CRM-M-36406 of 2021 (O & M)
(263)

::2::

In terms of the orders dated 16.11.2021 and 07.04.2022 passed by this Court, the parties (including the petitioner who has surrendered on 12.04.2022 and has since been released on bail), have appeared before the court of Judicial Magistrate Ist Class, Karnal, and as per the report dated 19.05.2022 submitted to this Court, 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-M-**

CRM-M-36406 of 2021 (O & M)
(263)

::3::

37395-2016 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, CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR was possible on the basis of a compromise.

Keeping in view the law laid down by this Court in the aforementioned judgments and the report of the Judicial Magistrate Ist Class, Karnal, FIR No.18 dated 20.01.1999 under Sections 420, 467, 471, 474, 506 IPC registered at Police Station Nissing, District Karnal (Annexure P-1) and order dated 01.07.2006 (Annexure P-2) alongwith all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioner only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 28, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No