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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46248-2021
Date of decision :22.02.2023

SHIV DAYAL

... PETITIONER

VERSUS

STATE OF HARYANA AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Lalit Mohan Barara, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asstt. A.G., Haryana.

Mr. Harminder Singh, Advocate
for respondent Nos. 2 to 5.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No. 209 dated 29.10.2016 registered under Sections 323, 324, 34, 506 IPC and Section 326 IPC (added later on) at Police Station Chhappar, District Yamunanagar along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 08.11.2021 this Court had directed the parties to appear before Illaqa Magistrate/Trial Court for getting their statements recorded with regard to the compromise dated 06.07.2021 (P-2).

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

Pursuant to the order dated 08.11.2021 passed by Co-ordinate Bench of this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri and as per the report dated 04.12.2021 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 learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri accompanied by statements of both the parties, the FIR No. 209 dated 29.10.2016 registered under Sections 323, 324, 34, 506 IPC and Section 326 IPC (added later on) at Police Station Chhappar, District Yamunanagar along with all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

22.02.2023
manoj

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No