

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35660-2022
DATE OF DECISION:-10.01.2023

Avinash Jain and Another

...Petitioners.

VS.

State of Haryana and another

...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gaurav Gupta, Advocate for the petitioners.

Mr. Vijesh Sharma, Addl. A.G, Haryana.

Mr. Amit Chaudhary, Advocate, for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.335 dated 04.09.2020, under Sections 34, 406, 420, 506 IPC, registered at Police Station Faridabad Central, District Faridabad, Haryana, along with all consequential proceedings arising out of the same, on the basis of compromise dated 04.08.2022 (Annexure P-2).

2. Vide order dated 19.12.2022, 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 04.08.2022 (Annexure P-2) arrived at between the parties.

3. In terms of the order dated 19.12.2022 passed by this Court, parties appeared before the court of Mr. Tayyab Hussain, Chief Judicial Magistrate, District Faridabad and as per report dated 03.01.2023 submitted to this Court, both the parties got recorded their respective statements in

Court.

4. Perusal of the aforesaid report would show that the compromise effected between the parties is genuine and is not the result of any pressure or coercion. As per the report, there is no other accused except the present petitioners. No accused has been declared proclaimed offender. 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.*

5. Thus, in view of the aforesaid report of the learned Chief Judicial Magistrate, Faridabad, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.335 dated 04.09.2020, under Sections 34, 406, 420, 506 IPC, registered at Police Station Faridabad Central, District Faridabad, Haryana, and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

6. Petition stands disposed of.

10.01.2023

anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No