

CRM-M-34819 of 2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M- 34819 of 2023 (O & M)

Date of decision: 14.12.2023

Khalid Khan and anr.

..... Petitioner(s)

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Salman Ahmed, Advocate,
for Mr. Mohammad Arshad, Advocate,
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana.

Mr. Nasir Jamal, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No.430 dated 26.05.2022 under Sections 406 IPC registered at Police Station Samalkha, District Panipat and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 13.06.2023 (Annexure P-2).

Vide order dated 20.07.2023 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 20.07.2023 with regard to the compromise (Annexure P- 2).

In terms of the order dated 20.07.2023 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class,

Samalkha (Panipat) and as per the report dated 24.08.2023 submitted to this

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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 Judicial Magistrate Ist Class, Samalkha (Panipat), accompanied by the joint statement of both the parties, the present FIR No. 430 dated 26.05.2022 under Sections 406 IPC registered at Police Station Samalkha, District Panipat and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 14, 2023

sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No