

CRM-M- 40458 of 2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40458 of 2022 (O & M)

Date of decision: 17.01.2023

Birender Dhanraj Deswal

..... Petitioner(s)

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Yashveer Kharb, Advocate,
for the petitioner(s).

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Nitin Kadian, Advocate,
for Mr. Varun Singh Dhindsa, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No. 820 dated 23.07.2016 under Sections 120-B, 379, 380, 420, 448, 452, 465, 467, 468, 471, 504 and 506 IPC (Sections 379, 380, 448 and 452 IPC were deleted later on) registered at Police Station Chandni Bagh, District Panipat, and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 06.09.2022 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 06.09.2022 with regard to the compromise (Annexures P-2).

In terms of the orders dated 06.09.2022 passed by this Court parties have appeared before the court of Additional Chief Judicial Magistrate, Panipat, and as per the report dated 30.12.2022 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.***

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-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, Jalandhar, the FIR No. 820 dated 23.07.2016 under Sections 120-B, 379, 380, 420, 448, 452, 465, 467, 468, 471, 504 and 506 IPC (Sections 379, 380, 448 and 452 IPC were deleted later on) registered at Police Station Chandni Bagh, District Panipat, and all the consequential proceedings arising therefrom, are hereby quashed qua the petitioners only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 17, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No