

CRM-M-44573 of 2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M- 44573 of 2022 (O & M)

Date of decision: 02.05.2023

Shiv Kumar @ Bittu and ors.

..... Petitioner(s)

V/s

The State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Parveen Kumar, Advocate, for the petitioner(s).

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Abhimanyu Singh, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No.41 dated 19.03.2022 under Sections 148, 149, 323, 452, 506 IPC (Section 452 IPC deleted later on) registered at Police Station Machhroli, District Jhajjar and all subsequent proceedings arising therefrom on the basis of compromise dated 12.09.2022 (Annexure P-2).

Vide order dated 17.01.2023 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 17.01.2023 with regard to the compromise (Annexure P-2).

In terms of the order dated 17.01.2023 passed by this Court parties have appeared before the court of ACJM-cum Civil Judge (Sr. Divn.)

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parties have got recorded their respective statements in Court except petitioner No.1 Shiv Kumar @ Bittu, who is stated to have expired on 21.09.2022.

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 ACJM-cum-Civil Judge (Sr. Divn.), Jhajjar, accompanied by the joint statement of both the parties, the present FIR No.41 dated 19.03.2022 under Sections 148, 149, 323, 452, 506 IPC (Section 452 IPC deleted later on) registered at Police Station Machhroli, District Jhajjar and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 02, 2023