

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-46197-2022

Date of Decision:-01.02.2023

Raj Kumar @ Raju.

.....Petitioner.

Versus

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ashish Pannu, Advocate for the Petitioners.

Mr. Neeraj Poswal, AAG Haryana.

Mr. Kuldeep Sheoran, Advocate for respondent nos.2 & 3.

JASJIT SINGH BEDI, J.(ORAL)

The present petition has been filed for quashing of FIR No.78 dated 28.05.2020 (Annexure P-1) under Sections 406, 420 IPC and Sections 370, 384 IPC (added later on) and Section 24 of the Emigration Act, 1986 registered with Police Station Nighdu, District Karnal and all other consequential proceedings arising therefrom, on the basis of compromise in the shape of affidavits dated 01.12.2021 (Annexure P-2) and 11.01.2022 (Annexure P-3) entered into between the parties.

Vide order dated 10.10.2022 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 10.10.2022 with regard to the compromise in the shape of affidavits dated 01.12.2021 (Annexure P-2) and 11.01.2022 (Annexure P-3) arrived at between the parties.

In terms of the order dated 10.10.2022 passed by this Court parties have appeared before the court of Mr. Yogesh Chaudhary,

Additional Sessions Judge, Karnal and as per report dated 05.11.2022 submitted to this Court, both the parties have got recorded their respective statements in Court.

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 Additional Sessions Judge, Karnal accompanied by statements of both the parties, the FIR No.78 dated 28.05.2020 (Annexure P-1) under Sections 406, 420 IPC and Sections 370, 384 IPC (added later on) and Section 24 of the Emigration Act, 1986 registered with Police Station Nighdu, District Karnal and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 01, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No