

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

CRM-M-44418-2023(O&M)

Date of Decision:-04.12.2023

Sandeep Kumar.

.....Petitioner.

Versus

State of Haryana & Anr.

.....Respondents.

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

Present:- Mr. Vikram Rathore, Advocate for the Petitioner.

Mr. Ravish Kaushik, Additional Advocate General, Haryana.

Mr. Sahil Garg, Advocate for the respondent no.2.

JASJIT SINGH BEDI, J. (ORAL)

CRM-50391-2023

The prayer in the application under Section 482 Cr.PC is for revival of the case which was dismissed for non prosecution vide order dated 31.10.2023.

Heardf.

For the reasons stated in the application duly supported by affidavit of counsel for the petitioner himself, the same is allowed and the main petition is ordered to be restored to its original number and is taken up today itself for hearing.

CRM-M-44418-2023

The prayer in this petition is for quashing of FIR No.29 dated

09.02.2021 (Annexure P-1) under Section 408 IPC registered at P.S. Sushant

Lok, Gurugram and all consequential proceedings arising therefrom on the basis of compromise dated 06.05.2023 (Annexure P-2) arrived at between the parties.

Vide order dated 05.09.2023 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 05.09.2023 with regard to the compromise dated 06.05.2023 (Annexure P-2).

In terms of the order dated 05.09.2023 passed by this Court parties have appeared before the court of Mr. Manoj Kumar Rana, Additional Chief Judicial Magistrate, Gurugram and as per report dated 26.09.2023 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 Chief Judicial Magistrate, Gurugram accompanied by statements of both the parties, the FIR No.29 dated 09.02.2021 (Annexure P-1) under Section 408 IPC registered at P.S. Sushant Lok, Gurugram and all consequential

proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 04, 2023

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>