

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

246

CRM-M-57290-2022 (O&M)
Date of decision: 29.03.2023

KULDEEP KATARIA AND ORS

...Petitioner(s)

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Ms. Monisha Lamba, Advocate
for the petitioner.

Mr. R.S. Nain, DAG, Haryana.

Ms. Ishita Negi, Advocate for
Mr. Mandeep Singh, Advocate
for respondent No.2.

GURBIR SINGH, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.317, dated 31.08.2022 (Annexure P-1), under Sections 323, 34, 506 of IPC, registered at Police Station Sector-5, Gurgaon, District Gurugram and all consequential proceedings arising therefrom, on the basis of compromise-cum-mutual settlement dated 01.12.2022 (Annexure P-2), effected between the parties.

Status report dated 27.03.2023 by way of an affidavit of Manoj Kumar, HPS, Assistant Commissioner of Police, Udyog, Gurugram on behalf of the respondent-State has been filed today in the Court and the same is taken on record. A copy thereof has been supplied to the counsel opposite.

Learned counsel for the parties have stated that the present FIR may be quashed as the parties have amicably settled the dispute.

During the course of preliminary hearing, the trial Court was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise by this Court.

In compliance thereof, report dated 24.02.2023 from the Judicial Magistrate Ist Class, Gurugram, has been received through the District & Sessions Judge, Gurugram, with statements of the parties, in which, it has been mentioned that the compromise is genuine, voluntary and without any coercion or undue influence.

The powers under Section 482 Cr.P.C. 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 and others vs. State of Punjab and another”, 2007(3) RCR (Criminal) 1052 and “Gian Singh vs. State of Punjab and another”, 2012 (4) RCR (Criminal) 543.

In view of the aforesaid report of the Judicial Magistrate Ist Class, Gurugram accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.317, dated 31.08.2022 (Annexure P-1), under Sections 323, 34, 506 of IPC, registered at Police Station Sector-5, Gurgaon, District Gurugram and all consequential proceedings arising therefrom are hereby quashed, on the basis of compromise-cum-mutual settlement dated 01.12.2022 (Annexure P-2), qua the petitioners only.

(GURBIR SINGH)
JUDGE

29.03.2023
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No