

NITIN PANWAR AND OTHERS

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mohit Pal Singh, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner(s).

Mr. Neeraj Poswal, Asst. A.G., Haryana.

Mr. Rahul Noorie, Advocate for
respondent Nos.2 and 3.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.433 dated 15.11.2022 (Annexure P-1) registered under Sections 120-B, 148, 149, 386, 387 IPC, 1860 at Police Station Khedki Daula, District Gurguram along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 14.12.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 03.12.2022 (P-2).

The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 14.12.2022 passed by this Court, the parties have appeared before the Chief Judicial Magistrate, Gurugram and as per the report dated 23.01.2023 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”***.

In view of the aforesaid report of the Chief Judicial Magistrate, Gurugram accompanied by statements of both the parties, the FIR No.433 dated 15.11.2022 (Annexure P-1) registered under Sections 120-B, 148, 149, 386, 387 IPC, 1860 at Police Station Khedki Daula, District Gurguram along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

10.04.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No