

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(252)

CRM-M-58706-2022
Date of Decision: 17.04.2023

RAKESH MALIK AND ANOTHER ...Petitioners
VS
STATE OF HARYANA AND ANOTHER ...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Shweta Bawa, Advcoate for
Mr. Balraj Gujjar, Advocate
for the petitioners.

Mr. Surender Singh, AAG, Punjab.

Mr. Vikas Saroha, Advocate
for respondent No.2.

VIKRAM AGGARWAL, J (ORAL)

The prayer in this petition is for quashing of FIR No.622 dated 13.09.2022 registered under Sections 323, 34 IPC and 3 SC and ST(prevention of Atrocities) Act at Police Station Sector 8, District Faridabad along with all subsequent proceedings arising therefrom on the basis of a compromise dated 10.11.2022 (Annexure P-2) arrived at between the petitioners and respondent No. 2.

Vide order dated 21.12.2022, a Coordinate Bench of this Court had directed the parties to appear before Illaqa Magistrate/trial Court for getting their statements recorded with regard to the compromise dated 10.11.2022 (Annexure 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 21.12.2022 passed by this Court, the parties appeared before the learned District and Sessions Judge, Faridabad

and as per the report dated 10.01.2023 submitted to this Court, both the parties got their respective statements recorded 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.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 directions 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 Judicial Magistrate 1st Class, Jalalabad accompanied by statements of both the parties FIR No.622 dated 19.09.2022 registered under Sections 323, 34 IPC and 3 SC and ST(prevention of Atrocities) Act at Police Station Sector 8, District Faridabad along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

The present petition stands allowed/disposed of accordingly.

(VIKRAM AGGARWAL)
JUDGE

17.04.2023
Himanshu

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