

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59936-2022
DATE OF DECISION:-11.01.2023

Ankit and another

...Petitioners.

VS.

State of Haryana and another

...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Randeep Singh, Advocate for the petitioners.

Mr. Vijesh Sharma, Addl. A.G, Haryana.

Mr. Gurvinder Singh, Advocate, for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.186 dated 16.04.2019, under Sections 323, 324, 326, 201, 506 and 34 IPC (Sections 326, 201 of IPC added lateron) registered at Police Station Butana, District Karnal, Haryana, along with all consequential proceedings arising out of the same, on the basis of compromise dated 21.10.2022 (Annexure P-2).

2. As per allegation levelled in the FIR, the petitioners inflicted injuries on the person of complainant as an effect of sudden altercation.

3. Vide order dated 22.12.2022, this Court directed the parties to appear before Illaqa Magistrate/trial Court for getting their statements recorded in terms of certain parameters mentioned therein, with regard to the compromise dated 21.10.2022 (Annexure P-2) arrived at between the parties.

4. In terms of the order dated 22.12.2022 passed by this Court, parties appeared before the court of Mr. Alok Anand, Judicial Magistrate Ist

Class, District Karnal and as per report dated 06.01.2023 submitted to this Court, both the parties got recorded their respective statements in Court.

5. Perusal of the aforesaid report would show that the compromise effected between the parties is genuine and is not the result of any pressure or coercion. As per the report, there is no other accused except the present petitioners. No accused has been declared proclaimed offender. 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.***

6. Thus, in view of the aforesaid report of the learned Judicial Magistrate Ist Class, District Karnal, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.186 dated 16.04.2019, under Sections 323, 324, 326, 201, 506 and 34 IPC (Sections 326, 201 of IPC added lateron) registered at Police Station Butana, District Karnal, Haryana, and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein. However, the aforesaid direction shall be subject to deposit of a sum of Rs. 10,000/- by the petitioners within a period of two weeks from today in the following account :

Account Name-Punjab and Haryana High Court Association

Lawyer's Family Welfare Fund.

Account No. 41564846387.

Bank Name. SBI High Court Branch.

7. Petition stands disposed of.

11.01.2023

anil

(HARKESH MANUJA)

JUDGE

whether speaking/reasoned: Yes/No

whether reportable: Yes/No