

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2361-2024

Date of decision : 01.05.2024

RAMESH

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Pallavi Babbar, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

Mr. Kushager Goyal, Advocate
for respondent Nos.2 and 3.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.1228 dated 16.11.2023 (Annexure P-1) registered under Sections 323 and 506 IPC and Section 3 of SC and ST (Prevention of Atrocities) Act, 1989 (Section 379-B IPC added later on) at Police Station Hisar Sadar, District Hisar along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

A status report dated 26.04.2024 by way of an affidavit of Vijay Pal, PPS, Deputy Superintendent of Police, Headquarter, Hisar has been filed on behalf of the State by the learned counsel for the State. The same is taken on record.

Vide order dated 16.01.2024 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 03.01.2024 (P-2).

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

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Pursuant to the order dated 16.01.2024 passed by this Court, the parties have appeared before the Addl. Chief Judicial Magistrate, Hisar and as per the report dated 20.03.2024 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 Addl. Chief Judicial Magistrate, Hisar accompanied by statements of both the parties, the FIR No.1228 dated 16.11.2023 (Annexure P-1) registered under Sections 323 and 506 IPC and Section 3 of SC and ST (Prevention of Atrocities) Act, 1989 (Section 379-B IPC added later on) at Police Station Hisar Sadar, District Hisar along with all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

01.05.2024

JITESH

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