

CRM-M-40655-2023

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288 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40655-2023

Date of decision: January 24, 2024

Harvinder Dhiman

..... Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Diwan S. Adlakha, Advocate for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Ajay Chauhan, Advocate for respondents No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.144 dated 22.05.2023 under Sections 406, 420, 506 IPC registered at Police Station Sector 17, HUDA, Jagadhari, District Yamuna Nagar and all other consequential proceedings arising therefrom on the basis of compromise dated 11.08.2023 (Annexure P-2) entered into between the parties.

Vide order dated 21.08.2023, this Court had directed the parties to appear before the Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 11.08.2023 (Annexure P-2) and 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 21.08.2023 passed by this Court, parties have appeared before the Court of Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri and as per its report dated 19.10.2023 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.***

Further, the learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739-2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017, Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on***

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27.09.2019 and **Vimal Kalra & others Versus State of Punjab & another, CRM-M-20355-2022, decided on 25.07.2022** submits that partial quashing of the FIR was possible on the basis of a compromise.

In view of the aforesaid report of the Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri accompanied by the joint statements of both the parties, the present FIR No.144 dated 22.05.2023 under Sections 406, 420, 506 IPC registered at Police Station Sector 17, HUDA, Jagadhari, District Yamuna Nagar and all other consequential proceedings arising therefrom on the basis of compromise dated 11.08.2023 (Annexure P-2) entered into between the parties, are hereby quashed, qua the petitioner.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 24, 2024
satish

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No