

CRM-M-52506 of 2023 (O & M)
(277)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-52506 of 2023 (O & M)
Date of decision: 29.04.2024

Kartik Kaushal @ Aditya and anr. Petitioner(s)
V/s
State of Haryana and anr. ...Respondents

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Sanjay Verma, Advocate,
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana.

Mr. Prerak Sheoran, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No. 96 dated 05.05.2023 under Section 420 IPC and Section 10 of the Immigration Act, 1983 registered at Police Station Radaur, District Yamuna Nagar and all subsequent proceedings arising therefrom on the basis of compromise dated 05.09.2023 (Annexure P-2).

Vide orders dated 16.10.2023 and 20.12.2023, this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 16.10.2023 with regard to the compromise (Annexure P-2).

In terms of the orders dated 16.10.2023 and 20.12.2023 passed by this Court parties have appeared before the court of Judicial

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Magistrate Ist Class, Jagadhri and as per the report dated 09.01.2024 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 Judicial Magistrate Ist Class, Jagadhri, accompanied by the joint statement of both the parties, the present FIR No. 96 dated 05.05.2023 under Section 420 IPC and Section 10 of the Immigration Act, 1983 registered at Police Station Radaur, District Yamuna Nagar and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 29, 2024
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No