

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-52806-2023
Date of decision: 06.03.2024

KAMAL SHARMA AND ANOTHER PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERSRESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sanchit Punia, Advocate for
Mr. Manoj Kumar Taya, Advocate
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana.

Ms. Jasleen Kaur, Advocate for
Mr. Sandeep Singh Rana, Advocate
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of an FIR No.338 dated 02.09.2023 (Annexure P-1) registered under Sections 148, 149, 323, 324 and 506 IPC at Police Station Madhuban, District Karnal along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 18.10.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 09.10.2023 (Annexures P-2 and P-3) 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 18.10.2023 passed by this Court, the parties have appeared before the learned Additional Chief Judicial Magistrate, Karnal and as per the report dated 22.12.2023 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 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 27.09.2019** and **Vimal Kalra &**

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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 Additional Chief Judicial Magistrate, Karnal accompanied by statements of both the parties, the FIR No.338 dated 02.09.2023 (Annexure P-1) registered under Sections 148, 149, 323, 324 and 506 IPC at Police Station Madhuban, District Karnal along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

06.03.2024
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>