

225

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.32515 of 2020(O&M)

Date of Decision:17.02.2021

Tarikjot Singh Saran @ Rahul and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. J.S. Dadwal, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

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

(Through video conferencing)

RAJ MOHAN SINGH, J.(Oral)

[1]. Prayer in this petition is for quashing of FIR No.0125 dated 13.07.2020 registered under Sections 323, 324, 506, 34 IPC at Police Station Dugri, Ludhiana along with all the subsequent proceedings arising therefrom, on the basis of compromise.

[2]. Notice of motion was issued on 13.10.2020. On 29.10.2020, both the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements in the context of genuineness of the compromise. Illaqa

Magistrate/trial Court was also directed to submit its report with regard to genuineness of the compromise.

[3]. In compliance of the aforesaid order, trial Court has submitted its report to the following effect:-

“As per the statements of complainant Savita @ Shweta @ Shagunpreet Kaur wife of Amandeep Singh daughter of Parveen Kumar resident of village Mundi Kharar, Mohali, present resident of house No.2807, CRPF Colony, Phase-1, Dugri, Ludhiana and accused Tarikjot Singh Saran @ Rahul, son of Jagraj Singh resident of House No.2872, CRPF Colony, Phase-1, Dugri, Ludhiana, Gurpreet Singh @ Guri son of Harjit Singh resident of House No.2876-A, CRPF Colony, Phase-1, Dugri, Ludhiana and Shubhkarman Singh @ Shubh son of Sh. Jagtar Singh resident of House No.2922, CRPF Colony, Phase-1, Dugri, Ludhiana recorded by the undersigned, all the parties have echoed the version of having arrived at voluntary compromise with free will without any pressure, coercion or undue influence. Complainant Savita @ Shweta @ Shagunpreet Kaur even mentioned in her statement that she has no objection if FIR in question is quashed by Hon'ble High Court. The original statements of the parties recorded by the undersigned are being sent herewith.

Accused have also mentioned in their joint statement that no proclamation proceedings are pending against any accused and they have not been declared as proclaimed offender in any case till date.

Even investigation officer ASI Manjit Singh was also summoned by this Court, who also gave his separate statement that this FIR was registered against three accused namely Tarikjot Singh @ Rahul, Gurpreet Singh @ Guri and Shubhkarman Singh @ Shubh. He further stated that in this case, none of the accused is proclaimed offender and no other FIR has been registered against all the three accused except the present FIR. He even mentioned that there is only one complainant namely Savita @ Shweta @ Shagunpreet Kaur involved in this case.

It is accordingly submitted that there are only three accused involved in the FIR and none of them are proclaimed offender. There is no other FIR registered against the accused except present FIR and there is only one complainant namely Savita @ Shweta @ Shagunpreet Kaur in the present case.

On the basis of statements made by the parties appearing before me, the compromise on the face of it appears to be genuine one having been arrived at by the parties with free will without any pressure or coercion. There is nothing on the record to doubt the genuineness of the compromise so arrived at between the parties.”

[4]. Perusal of the aforesaid report would show that the parties have effected genuine compromise. The complainant is not willing to carry on with the prosecution case against the petitioner. In view of compromise there is a remote possibility of the complainant coming forward to support the prosecution

case. The powers under Section 482 Cr.P.C 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 in fully consonance with the direction issued by the Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh vs.State of Punjab and another, 2012 (4) RCR (Crl.) 543.**

[5]. Learned State counsel has objected to the aforesaid course, but in the interest of justice and also to prevent unnecessary continuation of criminal proceedings, I am of the view that inherent powers under Section 482 Cr.P.C can be exercised in order to achieve ends of justice.

[6]. Resultantly, FIR No.0125 dated 13.07.2020 registered under Sections 323, 324, 506, 34 IPC at Police Station Dugri, Ludhiana as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

17.02.2021*Prince***(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No