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

**CRM-M No.41945 of 2020(O&M)
Date of Decision:22.02.2021**

Harshpreet Singh @ Arashdeep Singh

.....Petitioners

Vs

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Amit Kumar Walia, Advocate
for the petitioner.

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

Mr. Dharamvir Sharma, Advocate
for respondent No.2.

(Through video conferencing)

RAJ MOHAN SINGH, J.(Oral)

[1]. Prayer in this petition is for quashing of FIR No.215 dated 25.11.2020 registered under Sections 452, 324, 323 IPC at Police Station Sadar Sangrur, District Sangrur along with all the subsequent proceedings arising therefrom, on the basis of compromise.

[2]. Notice of motion was issued on 14.12.2020 and 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:-

“In the above noted criminal petition, in furtherance to order dated 14/12/2020 passed by the Hon'ble Punjab and Haryana High Court in petition titled as Harshpreet Singh @ Arshdeep Singh Vs. State of Punjab and another bearing CRM-M-41945 of 2020, the petitioner Harshpreet Singh @ Arshdeep Singh and respondent Kulwinder Singh appeared before the trial Court on 22/12/2020 and their statements qua compromise were recorded on that very date. Statement of Investigating Officer ASI Pushpinder Singh, No.1944/SGR, posted at Police Station Sadar Sangrur was also recorded. The parties had been identified by the Investigating Officer in the Court.

After the evaluation of the statements of the parties, it is concluded that the compromise so effected between the parties is genuine, voluntary and without any coercion or undue influence. Copy of written compromise 'Annexure A' was also placed upon record and its terms of settlement were owned up by both the parties.

Also it becomes manifest from the statements of the parties and Investigating Officer that there is only one accused in the FIR, he being Harshpreet Singh @ Arshdeep Singh and accused had not been declared as proclaimed offender.”

[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.215 dated 25.11.2020 registered under Sections 452, 324, 323 IPC at Police Station Sadar Sangrur, District Sangrur as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

22.02.2021

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No