

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-588-2022 (O & M)
Date of decision:16.11.2022

Saleem Khan

..... Petitioner

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kamal Narula, Advocate,
for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

Mr. K.S. Mamrat, Advocate,
for respondents No.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.164 dated 22.10.2018 under Sections 420, 406, 120-B IPC, registered at Police Station Badhni Kalan, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 13.09.2021 and 14.09.2021 (Annexures P-2 and P-3) qua the petitioner.

Vide order dated 15.07.2022 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 15.07.2022 with regard to the compromise/affidavit (Annexures P-2 and P-3).

In terms of the order dated 15.07.2022 passed by this Court parties have appeared before the court of Sub Divisional Judicial Magistrate, Nihal Singh Wala and as per his report dated 25.07.2022 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 petitioners, 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 and Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019,*** submits that partial quashing of the FIR was possible on the basis of a compromise.

In view of the law laid down in the aforesaid judgments and report of the Sub Divisional Judicial Magistrate, Nihal Singh Wala accompanied by the joint statement of both the parties, the proceedings qua the present FIR No.164 dated 22.10.2018 under Sections 420, 406, 120-B IPC, registered at Police Station Badhni Kalan, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 16, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No