

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-45085-2022 in/and
CRM-M-3418-2022
Date of decision : 29.11.2022

AVTAR SINGH AND ORS

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Chahit Bansal, Advocate for the petitioner(s).

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

Mr. Jagteshwar, Advocate for
Mr. Naresh Gopal Sharma, Advocate
for respondent Nos.2 to 4.

JASJIT SINGH BEDI, J. (ORAL)

CRM-45085-2022

This is an application filed under Section 482 Cr.P.C. for preponing the date of hearing in the case i.e. fixed for 02.05.2023.

Notice in the application.

Mr. Kirat Singh Sidhu, D.A.G, Punjab accepts notice on behalf of the respondent-State.

For the reasons mentioned in the application, the same is allowed and the date of hearing is preponed from 02.05.2023 to today and the matter is taken up on board today itself.

CRM-M-3418-2022

The prayer in this petition is for quashing of an FIR No.0067 dated 22.05.2021 (Annexure P-1) registered under Sections 323, 452, 148, 149 IPC (Section 325 IPC added later on) at Police

Station Bareta, District Mansa along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 12.05.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 02.12.2021 (P-2).

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 12.05.2022 passed by this Court, the parties have appeared before the learned Judicial Magistrate, 1st Class, Budhlada and as per the report dated 12.07.2022 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”.

In view of the aforesaid report of the learned Judicial Magistrate, 1st Class, Budhlada accompanied by statements of both the parties, the FIR No.0067 dated 22.05.2021 (Annexure P-1) registered under Sections 323, 452, 148, 149 IPC, (Section 325 IPC added later on) at Police Station Bareta, District Mansa along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

29.11.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No