

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

Sr. No.278

CRM-M-1831 of 2020

Date of Decision: 17.08.2022

Davinder Singh @ Gora

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. N.S.Sidhu, Advocate for the petitioner.

Mr. Sidakmeet Singh Sidhu, AAG, Punjab.

Mr. G.S.Guri, Advocate for respondent No.2.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition is for quashing of FIR No.26 dated 05.04.2019, registered under Sections 355 and 506 of IPC, Section 67 of Information Technology Act, 2000 and Section 3 of the SC and ST (Prevention of Atrocities) Act, 1989 at Police Station Dyalpura, District Bathinda and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

Vide order dated 21.01.2020 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 21.01.2020 with regard to the compromise (Annexure P-2).

In terms of the order dated 21.01.2020 passed by this Court, parties have appeared before the Court of Sh. Ravneet Singh, Judicial Magistrate 1st Class, Phul and as per his report dated 26.02.2020 submitted to this Court, both the parties have got recorded their respective statements in Court.

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, Phul accompanied by statements of both the parties, the FIR No.26 dated 05.04.2019, registered under Sections 355 and 506 of IPC, Section 67 of Information Technology Act, 2000 and Section 3 of the SC and ST (Prevention of Atrocities) Act, 1989 at Police Station Dyalpura, District Bathinda and all subsequent proceedings arising therefrom qua the present petitioner, are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

17.08.2022
Maninder

Whether Speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No