

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

Sr. No.248

CRM-M-3663 of 2021

Date of Decision: 13.05.2022

Jaswinder Singh and others

.... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rajesh Bhatheja, Advocate
for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Manoj R.Sharma, Advocate for
Mr. K.D.Sachdeva, Advocate
for respondents No.2 to 4.

JASJIT SINGH BEDI, J. (ORAL)

Prayer in the instant petition is for quashing of FIR No.101 dated 27.09.2017 (Annexure P-1) registered under Sections 353, 186, 427, 149 of IPC and Section 70 of the Northern India Canal Drainage Act, 1873, at Police Station Sadar Moga, District Moga and all consequential proceedings arising therefrom, on the basis of compromise dated 19.12.2020 (Annexure P-2) arrived at between the parties.

Vide order dated 28.02.2022 this Court had directed the parties to appear before learned trial Court/Illaq Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 28.02.2022 with regard to the compromise dated 19.12.2020 (Annexure P-2).

In terms of the order dated 28.02.2022 passed by this Court, parties have appeared before the Court of Ms. Amandeep Kaur Chahal,

Additional Chief Judicial Magistrate, Moga and as per her report dated

30.03.2022 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.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 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 Additional Chief Judicial Magistrate, Moga accompanied by statements of both the parties, the FIR No.101 dated 27.09.2017 (Annexure P-1) registered under Sections 353, 186, 427, 149 of IPC and Section 70 of the Northern India Canal Drainage Act, 1873, at Police Station Sadar Moga, District Moga and all consequential proceedings arising therefrom, are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.05.2022
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No