

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

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CRM-M-4159-2021

Date of Decision:-02.05.2022

Harwinder Singh & ors.

.....Petitioners

Versus

State of Punjab & anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. A.S. Manaise, Advocate for petitioners.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

Mr. Satvir Singh, Advocate, for
Mr. G.S. Manku, Advocate for respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition is for quashing of FIR No.10 dated 17.1.2021 (Annexure P-1) under Sections 379-B and 34 IPC (later on Sections 379-B, 34 IPC deleted and replaced by Sections 408, 120-B IPC) registered at Police Station Shahpur Kandi, District Pathankot and all consequential proceedings arising therefrom on the basis of compromise dated 20.01.2021 (Annexure P-2) arrived at between the petitioners and respondent no.2.

Vide order dated 29.01.2021, 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 29.01.2021 with regard to the compromise dated 20.01.2021 (Annexure P-2).

In terms of the order dated 29.01.2021 passed by this Court parties have appeared before the Court of Mr. Kamaldeep Singh Dhaliwal, Chief Judicial Magistrate, Pathankot and as per his report dated 08.03.2021 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 Chief Judicial Magistrate, Pathankot accompanied by statements of both the parties, the FIR No.10 dated 17.1.2021 (Annexure P-1) under Sections 379-B and 34 IPC (later on Sections 379-B, 34 IPC deleted and replaced by Sections 408, 120-B IPC) registered at Police Station Shahpur Kandi, District Pathankot and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

02.05.2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

