

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-5103-2022 (O & M)

Date of decision: 20.04.2022

Sanjay

..... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rahul Sharma, Advocate, for the petitioner.

Mr. Luvinder Sofat, A.A.G., Punjab.

Mr. Saqib Ali Khan, Advocate,
for respondent No.2-complainant.

JASJIT SINGH BEDI, J. (Oral)

The Prayer in this petition is for the quashing of the FIR No.0319 dated 02.09.2020 (Annexure P-1) registered under Sections 379 IPC with Police Station Division No.8, District Police Commissionerate, Ludhiana and all consequential proceedings arising therefrom on the basis of compromise/settlement dated 07.01.2022 (Annexure P-2) arrived at between the parties.

Vide order dated 08.02.2022 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 08.02.2022 with regard to the compromise/settlement (Annexure P-2).

In terms of the order dated 08.02.2022 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class,

Ludhiana, and as per his report dated 03.03.2022 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 Ist Class, Ludhiana, accompanied by the joint statement of both the parties, FIR No.0319 dated 02.09.2020 (Annexure P-1) registered under Sections 379 IPC with Police Station Division No.8, District Police Commissionerate, Ludhiana, and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 20, 2022
sukhpreet

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