

**(300) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-9391-2022

Date of decision :27.07.2022

BALVIR KUMAR @ KALA & OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Ramandeep Kaur, Advocate for
Mr. Rahul Bhargava, Advocate for the petitioners.
Mr. Sidakmeet Singh Sandhu, Asstt. A.G., Punjab.

Ms. Arti Kaur, Advocate
for respondent Nos.2 and 3.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.0274 dated 27.11.2017 (Annexure P-1) registered under Sections 323, 324, 326, 295-A and Sections 61, 01, 14 of Punjab Excise Act, 1914 at Police Station Sadar, Jalandhar along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 07.03.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 08.02.2022 (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 07.03.2022 passed by this Court, the parties have appeared before the learned Addl. Chief Judicial

Magistrate, Jalandhar and as per the report dated 12.04.2022 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 Addl. Chief Judicial Magistrate, Jalandhar accompanied by statements of both the parties, the FIR No.0274 dated 27.11.2017 (Annexure P-1) registered under Sections 323, 324, 326, 295-A and Sections 61, 01, 14 of Punjab Excise Act, 1914 at Police Station Sadar, Jalandhar along with all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

27.07.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No