

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10575-2022 (O & M)

Date of decision: 04.08.2022

Kuljit @ Kuljeet Singh and ors.

... Petitioners

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Yashpal Thakur, Advocate, for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Ms. Arshdeep Kaur, Advocate,
for Mr. Goruv Arora, Advocate,
for respondent No.2/complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.107 dated 10.11.2021 under Sections 323, 341, 379-B, 506 and 34 IPC registered with Police Station Badali Ala Singh, District Fatehgarh Sahib and all consequential proceedings arising therefrom on the basis of compromise dated 08.01.2022 (Annexure P-6) arrived at between the parties.

Vide order dated 11.03.2022 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 11.03.2022 with regard to the compromise (Annexure P-6).

In terms of the order dated 11.03.2022 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class, Fatehgarh Sahib, and as per the report dated 08.07.2022 submitted to this

Court. According to the said report, accused-petitioner No.3/Babbi @ Manpreet Singh is not involved in any other FIR. However, accused-petitioner No.1 Kuljit @ Kuljeet Singh is involved in two other FIRs i.e. FIR No.15 dated 04.03.2019 under Sections 379, 411 IPC and the Indian Forest Act, 1927, MV Act 181 and Mining and Mineral Act, 1957, with Police Station Badali Alla Singh and FIR No.38 dated 05.05.2022 under Sections 21B/61/85 of the NDPS Act, with Police Station Badali Alla Singh and the accused-petitioner No.2 Sehajpal @ Sahejpal Singh is involved in one other case bearing FIR No.103 dated 05.05.2019 under Sections 22/61/85 NDPS Act with Police Station Sirhind.

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, Fatehgarh Sahib, accompanied by the joint statement of both the parties, the FIR No. 107 dated 10.11.2021 under Sections 323,

District Fatehgarh Sahib, and all consequential proceedings arising therefrom only are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 04, 2022
sukhpreet

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