

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8856-2020 (O & M)

Date of decision: 04.03.2022

Harinder Singh @ Harwinder Singh and ors. Petitioners

V/s

State of Punjab and anr. ...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Aayush Gupta, Advocate, for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. Varshit Garg, Advocate, for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

CRM-32234-2021

This is an application for placing on record the amended head note and prayer as annexures P-4 and P-5 respectively.

For the reasons mentioned in the application, same is allowed. Registry to carry out the necessary amendments in the head note and prayer accordingly.

CRM-M-8856-2020

The Prayer in this petition is for the quashing of the FIR No.0004 dated 15.01.2020 (Annexure P-1) under Sections 452, 323, 506 IPC (Sections 148 and 149 IPC now deleted and Section 201 now added) registered with Police Station Nihal Singh Wala, District Moga, and all consequential proceedings arising therefrom on the basis of compromise/settlement dated 30.01.2020 (Annexure P-2) arrived at between the petitioner and respondent no.2.

Vide order dated 28.02.2020 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 28.02.2020 with regard to the compromise/settlement dated 30.01.2020 (Annexure P-2).

In terms of the order dated 28.02.2020 passed by this Court parties have appeared before the court of Ashish Thathai, Sub Divisional Judicial Magistrate, Nihal Singh Wala, District Moga, and as per his report dated 02.09.2021 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 Sub Divisional Judicial Magistrate, Nihal Singh Wala, District Moga, accompanied by statements of both the parties, the FIR No.0004 dated 15.01.2020 (Annexure P-1) under Sections 452, 323, 506 IPC (Sections 148 and 149 IPC now deleted and Section 201 now added) registered with Police Station Nihal Singh Wala, District Moga, and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 04, 2022
sukhpreet

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