

CRM-M-27477-2018

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

**CRM-M-27477-2018 (O&M)
Date of decision :.23.03.2022**

Jaswant Singh & anr.

... Petitioners

Versus

State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sunil Agnihotri, Advocate for the petitioners.

Mr. Sidakmeet Singh Sandhu, DAG, Punjab.

Mr. Amit Gupta, Advocate for respondent No.2.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.46 dated 02.04.2018 (Annexure P-1) registered under Sections 406, 420 and 34 IPC, at Police Station Mukerian, District Hoshiarpur and all consequential proceedings arising therefrom on the basis of a compromise arrived at between the petitioner and respondent no.2.

Vide order dated 05.07.2018 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 09.04.2018 (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 05.07.2018 passed by this Court, the parties have appeared before the learned Judicial Magistrate, 1st

CRM-M-27477-2018

Class, (Duty), Mukerian and as per the report dated 21.08.2018 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 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, 1st Class, (Duty), Mukerian accompanied by statements of both the parties, the FIR No.46 dated 02.04.2018 (Annexure P-1) registered under Sections 406, 420 and 34 IPC, at Police Station Mukerian, District Hoshiarpur and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

23.03.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No