

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14182-2019 (O & M)

Date of decision: 28.10.2022

Surjit Singh and ors.

..... Petitioners

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Satnam Singh Gill, Advocate,
for the petitioners.

Mr. Jiteshwar Singh, AAG, Punjab.

Mr. Gautam Kumar, Advocate,
for Ms. Manjot Kaur, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No.73 dated 26.03.2018 under Sections 452, 506, 34 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Kotwali, Kapurthala, District Kapurthala and all consequential proceedings arising therefrom on the basis of compromise dated 30.03.2018 (Annexure P-2) arrived at between the parties.

Vide order dated 28.03.2019 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 28.03.2019 with regard to the compromise (Annexure P-2).

In terms of the order dated 28.03.2019 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class,

Kapurthala and as per her report dated 19.04.2019 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, Kapurthala, accompanied by the joint statement of both the parties, the FIR No. 73 dated 26.03.2018 under Sections 452, 506, 34 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Kotwali, Kapurthala, District Kapurthala and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 28, 2022
sukhpreet

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