

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

CRM-M-25955-2020(O&M)

Date of decision : 05.04.2022

Upkar Singh @ Kari

... Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Balbir Singh Jaswal, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, DAG, Punjab.

Mr. Rahul Sharma, Advocate for

Mr. Nitin Sharma, Advocate for respondent No.2 to 4.

JASJIT SINGH BEDI, J. (ORAL)

CRM-4819-2022

This application has been filed under Section 482 Cr.P.C. for preponing the date of hearing of the main case which is fixed for 05.04.2022.

As CRM-M-25955-2020 has already been listed on Board today the same has become infructuous.

The present application is disposed of as infructuous.

CRM-M-25955-2020

The prayer in this petition is for quashing of an FIR No.27 dated 22.02.2020 (Annexure P-1) registered under Sections 452, 336, 148, 149 IPC, 1860 and Sections 25 and 27 of Arms Act, 1959 at Police Station Kathunagal, District Amritsar and all consequential proceedings arising

therefrom on the basis of a compromise arrived at between the petitioner and respondent nos.2 to 4.

Vide order dated 03.09.2020 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 08.03.2020 (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 03.09.2020 passed by this Court, the parties have appeared before the learned Judicial Magistrate, 1st Class, Amritsar and as per the report dated 25.09.2020 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, Amritsar accompanied by statements of both the

parties, the FIR No.27 dated 22.02.2020 (Annexure P-1) registered under Sections 452, 336, 148, 149 IPC, 1860 and Sections 25 and 27 of Arms Act, 1959 at Police Station Kathunagal, District Amritsar and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

05.04.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No