

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28231-2021 (O & M)

Date of decision: 15.12.2022

Amit

..... Petitioner

V/s

Union Territory of Chandigarh and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Dr. Anand Kumar Bishnoi, Advocate,
for the petitioner.

Mr. Anil Kumar Lamdharia, Addl.P.P.
for U.T., Chandigarh-respondent No.1.

Mr. Rupinderjeet Singh, Advocate,
for Mr. Nikhil Vashisth, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

CRM-38454-2022

This is an application under Section 482 Cr.P.C. for addition of offence under Section 338 IPC, which is added later on, in the headnote as well as in the prayer clause of the main petition.

For the reasons stated in the application, the same is allowed. Section 338 IPC be added in the headnote as well as in the prayer clause of the main petition.

The Registry is directed to carry out the necessary amendments.

CRM-M-28231-2021

The prayer in this petition under Section 482 Cr.P.C. is for quashing of FIR No.226 dated 22.07.2018 under Sections 279 and 337 IPC

registered at Police Station Industrial Area, Chandigarh and all other subsequent proceedings arising therefrom on the basis of a compromise (Annexure P-2).

Vide order dated 05.10.2021 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 05.10.2021 with regard to the compromise (Annexure P-2).

In terms of the order dated 05.10.2021 passed by this Court parties have appeared before the court of Chief Judicial Magistrate, Chandigarh and as per his report dated 27.10.2021 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 Chief Judicial

parties, the proceedings in FIR No. FIR No.226 dated 22.07.2018 under Sections 279, 337 and 338 IPC registered at Police Station Industrial Area, Chandigarh and all other subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

December 15, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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