

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

SR. No.255

**CRM-M-6741-2016 (O&M)
Date of Decision:09.05.2022**

Mohit and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mrs. Kanwal Singh Walia, Advocate,
for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Kulwinder Singh, Advocate for
Mr. Nakul Sharma, Advocate
for respondents No. 2 to 4.

JASJIT SINGH BEDI, J.

CRM-1857-2021

Prayer in the present application is for recalling of the order dated 31.10.2018 passed by this Court, whereby the main petition was dismissed for non-prosecution especially due to non-compliance of the orders passed earlier on 06.09.2018 and 28.09.2018.

In compliance of the order dated 10.03.2021, status report has been filed by the respondent-State. The relevant para thereof reads as under:-

“5.....In this connection it is submitted here that the respondent no.3 namely Ramesh Kumar is not a victim nor any injury was caused by the accused persons on his person nor he was cited by the prosecution in list of witnesses. However, on the other had respondent no.4 Dinesh Kumar is the father of the complainant. Aparjit is a victim in the present case who

had received injuries on his person at the time of occurrence from the hands of accused persons arrayed in the present FIR.....”

Learned counsel for the applicants-petitioners submits that respondents No.3 and 4 were wrongly impleaded, simply on the statement made on behalf of the State, though they are not in any manner aggrieved of the occurrence at all. She further submits in compliance of the orders dated 06.09.2018 and 28.09.2018, the statements of the parties regarding compromise have already been recorded.

In view of the above-said stand taken by the respondent-State in its status report, the present application is accepted. The main petition is restored to its original number.

Main case

The prayer in this petition is for quashing of FIR No.194 dated 02.11.2015 registered under Sections 323/341/452/427/148/149 IPC at Police Station Division No.5, Jalandhar City, District Jalandhar and all other consequential proceedings, on the basis of compromise.

Vide order dated 29.07.2016, this Court had directed the parties to appear before the trial Court/Illaq Magistrate for getting their statements recorded with regard to the compromise dated 10.12.2015 (P-2).

The Illaq 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 29.07.2016 passed by this Court, the parties have appeared before the learned Judicial Magistrate, 1st Class, Jalandhar, and as per the report dated 18.08.2016 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 1st Class, Jalandhar, accompanied by statements of both the parties, FIR No.194 dated 02.11.2015 registered under Sections 323/341/452/427/148/149 IPC at Police Station Division No.5, Jalandhar City, District Jalandhar along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

09.05.2022
mks

(JASJIT SINGH BEDI)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO