

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-29000-2022

Date of Decision:-14.09.2022

Rajesh Kapoor & Anr.

.....Petitioners.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vikram Bali, Advocate for the Petitioners.

Mr. Ravinder Singh, AAG Punjab.

Mr. Nimanyu Gautam, Advocate for the respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for quashing of case FIR No.116 dated 20.07.2014 (Annexure P-1) under Sections 323, 324, 326, 452 (deleted) Section 34 IPC registered at Police Station Cheema, District Sangrur and all consequential proceedings including Calendra under Section 323 and 34 IPC against the Petitioners after the deletion of Sections 452 and 326 IPC dated 02.01.2015 (Annexure P-2) filed before the learned trial Court on 27.01.2015 on the basis of compromise dated 29.03.2022 (Annexure P-3) arrived at between the parties.

Vide order dated 12.07.2022 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 12.07.2022 with regard to the compromise dated 29.03.2022 (Annexure P-3).

In terms of the order dated 12.07.2022 passed by this Court parties have appeared before the court of Mr. Parinder Singh, Addl. Chief Judicial Magistrate, Jalandhar and as per his report dated 27.07.2022

submitted to this Court, both the parties have got recorded their respective statements in Court.

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 Addl. Chief Judicial Magistrate, Jalandhar accompanied by statements of both the parties, the FIR No.116 dated 20.07.2014 (Annexure P-1) under Sections 323, 324, 326, 452 (deleted) Section 34 IPC registered at Police Station Cheema, District Sangrur and all consequential proceedings including Calendra under Section 323 and 34 IPC against the Petitioners after the deletion of Sections 452 and 326 IPC dated 02.01.2015 (Annexure P-2) filed before the learned trial Court on 27.01.2015 and all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 14, 2022

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>