

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

CRM-M-29402-2022(O&M)

Date of Decision:-02.12.2022

Shashi Bhushan & Ors.

.....Petitioners.

Versus

State of Punjab & Anr.

.....Respondents.

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

Present:- Mr. Rahul Arora, Advocate for the Petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. J.S. Ghumman, Advocate for respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

CRM-45579-2022

The prayer in the application under Section 482 Cr.PC is for preponement of the date of hearing from 20.04.2023 to an earlier date.

Heard.

For the reasons stated in the application, the same is allowed and date of hearing of the main petition is preponed from 20.04.2023 to today itself and is taken up for hearing.

CRM-M-29402-2022

The Prayer in this petition is for quashing of FIR No.201 dated 20.10.2018 under Sections 383 IPC and Sections 3, 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) registered at P.S. Garhshankar, District Hoshiarpur, and all consequential proceedings arising therefrom on the basis of compromise dated 04.07.2022 (Annexure P-2) arrived at between the parties.

Vide order dated 14.07.2022 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 14.07.2022 with regard to the compromise dated 04.07.2022 (Annexure P-2).

In terms of the order dated 14.07.2022 passed by this Court parties have appeared before the court of Mr. Jatrinder Pal Singh Khurmi Additional Sessions Judge, Hoshiarpur and as per report dated 18.08.2022 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 Additional Sessions Judge, Hoshiarpur accompanied by statements of both the parties, the FIR No.201 dated 20.10.2018 under Sections 383 IPC and Sections 3, 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) registered at P.S. Garhshankar, District Hoshiarpur and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 02, 2022

Vinay

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