

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30141-2022 (O & M)

Date of decision: 12.10.2022

Palwinder Kaur

... Petitioner

V/s

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

Mr. G.S. Rawat, Advocate, for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.45 dated 01.04.2021 under Sections 307, 308, 379, 201, 120-B IPC, registered at Police Station Division No.7, Jalandhar and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

Vide order dated 15.07.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise (Annexure P-2) and 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 15.07.2022 passed by this Court parties have appeared before the court of Chief Judicial Magistrate, Jalandhar, and as per his report dated 06.10.2022 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.***

The possibility of conviction under Section 307 IPC is remote as there is no evidence that the complainant-Nachattar Kaur was ever sought to be poisoned by the accused-Palwinder Kaur.

Keeping in view the report dated 06.10.2022 of the Chief Judicial Magistrate, Jalandhar, accompanied by the joint statement of both the parties, the FIR No..45 dated 01.04.2021 under Sections 307, 308, 379, 201, 120-B IPC, registered at Police Station Division No.7, Jalandhar and all consequential proceedings arising therefrom are hereby quashed qua the petitioner herein.

Petition stands disposed of.

October 12, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No