

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44752-2021 (O & M)

Date of decision: 17.02.2022

Kulwant Singh alias Moti Bhatia and anr.

..... Petitioners

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vipin Mahajan, Advocate, for the petitioners.

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

Ms. Gaganbir Kaur, Advocate, for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The Prayer in this petition is for quashing of the FIR No.80 dated 30.11.2018 (Annexure P-1) under Sections 379-B, 353, 186, 204, 506, 201 and 34 IPC registered with Police Station Kahnuwan, District Gurdaspur and all consequential proceedings arising therefrom on the basis of compromise/settlement dated 26.04.2021 (Annexure P-2/T) arrived at between the petitioner and respondent no.2.

Vide order dated 27.10.2021 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 27.10.2021 with regard to the compromise/settlement dated 26.04.2021 (Annexure P-2/T).

In terms of the order dated 27.10.2021 passed by this Court

Sessions Judge, Gurdaspur and as per her report dated 30.11.2021 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 District & Sessions Judge, Gurdaspur, accompanied by statements of both the parties, the FIR No.80 dated 30.11.2018 (Annexure P-1) under Sections 379-B, 353, 186, 204, 506, 201 and 34 IPC registered with Police Station Kahnuwan, District Gurdaspur and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 17, 2022
sukhpreet

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