

**(110) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-29643-2019 (O&M)

Date of decision : 02.04.2022

Gurbhej Singh & others

... Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ranjodh Singh Sidhu, Advocate for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Balwinder Singh, Advocate for
Mr. P.S. Kanwar, Advocate for respondent Nos.2 & 3.

JASJIT SINGH BEDI, J. (ORAL)

CRM-11191-2022

This is an application filed under Section 482 Cr.P.C. for preponing the date of hearing in the case i.e. fixed for 21.09.2022.

Notice in the application.

Mr. V.G., Jauhar, Sr. DAG, Punjab and Mr. Balwinder Singh, Advocate for Mr. P.S. Kanwar, Advocate accepts notice on behalf of the respondent-State and respondent Nos.2 and 3, respectively.

For the reasons mentioned in the application, the same is allowed and the date of hearing is advanced from 21.09.2022 to today itself i.e. 02.04.2022.

CRM-M-29643-2019

The present petition has been filed for quashing of an FIR No.79 dated 30.05.2019 (Annexure P-1) registered under Sections 326,

323, 324, 148, 149 IPC, 1860 at Police Station City Patti, District Tarn Taran and along with all other consequential proceedings arising therefrom, on the basis of compromise entered into between the parties.

Vide order dated 15.07.2019 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise (P-2). 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 15.07.2019 passed by this Court, the parties have appeared before the learned Sub Divisional Judicial Magistrate, Patti and as per the report dated 01.10.2019 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 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 Sub Divisional Judicial Magistrate, Patti accompanied by statements of both the parties, the FIR No.79 dated 30.05.2019 (Annexure P-1) registered under Sections 326, 323, 324, 148, 149 IPC, 1860 at Police Station City Patti, District Tarn Taran and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

02.04.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No