

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-40178-2022

Date of decision: 28.10.2022

Harjinder Singh and another

..... Petitioners

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. H. S. Dhindsa, Advocate,
for the petitioners.

Mr. Jaiteshwar Singh, AAG, Punjab

Mr. Ramandeep Singh, Advocate
for respondent No. 4.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of an FIR No.197 dated 08.10.2020 under Sections 406, 420, 468, 471 and 506 IPC registered at Police Station Kotwali Nabha, District Patiala and all consequential proceedings arising therefrom on the basis of compromise dated 21.06.2022 (Annexure P-2) arrived at between the parties.

Vide order dated 05.09.2022 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 05.09.2022 with regard to the compromise (Annexure P-2).

In terms of the order dated 05.09.2022 passed by this Court parties have appeared before the court of Sub Divisional Judicial Magistrate, Nabha and as per her report dated 22.09.2022 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.***

In view of the aforesaid report of the learned Sub Divisional Judicial Magistrate, Nabha, District Patiala, accompanied by the joint statement of both the parties, the FIR No. 197 dated 08.10.2020 under Sections 406, 420, 468, 471 and 506 IPC registered at Police Station Kotwali Nabha, District Patiala and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 28, 2022
Mehak

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