

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41735-2020 (O & M)

Date of decision: 21.09.2022

Dharminder Kumar @ Bobby and anr.

..... Petitioners

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Surinder Thakur, Advocate for the petitioners.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Nitin Verma, Advocate,
for Mr. V.S. Chahal, Advocate, for respondents No.2 to 4.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No.14 dated 25.02.2020 under Sections 420 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station Sadar Hoshiarpur, District Hoshiarpur, Punjab and all subsequent proceedings arising therefrom on the basis of compromise/affidavits (Annexures P-2 to P-4) arrived at between the parties.

Vide orders dated 11.02.2020 and 25.04.2022 passed by the co-ordinate Benches of this Court the parties were directed to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid orders with regard to the compromise (Annexures P-2 and P-4).

In terms of the orders dated 11.02.2020 and 25.04.2022, passed by this Court the parties have appeared before the court of Additional Chief Judicial Magistrate Ist Class, Hoshiarpur and as per his

reports dated 24.12.2020 and 07.05.2022 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 reports of the Additional Chief Judicial Magistrate, Hoshiarpur, accompanied by the joint statement of both the parties, the FIR No.14 dated 25.02.2020 under Sections 420 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station Sadar Hoshiarpur, District Hoshiarpur, and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 21, 2022
sukhpreet

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