

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43550-2020 (O & M)

Date of decision: 05.08.2022

Gokal Chand and anr.

..... Petitioners

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kamal Narula, Advocate, for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. P.S. Chahal, Advocate,
for Mr. Rajinder Kantiwal, Advocate,
for respondent No.2-complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.46 dated 08.03.2020 under Sections 406/420/120-B IPC registered with Police Station City-I, Abohar, District Fazilka and all consequential proceedings arising therefrom on the basis of compromise dated 09.10.2020 (Annexure P-2) arrived at between the parties.

Vide order dated 23.12.2020 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 23.12.2020 with regard to the compromise (Annexure P-2).

In terms of the order dated 23.12.2020 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class, Abohar, and as per the report dated 19.02.2021 submitted by the Sub

Divisional Judicial Magistrate, Abohar, 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 Judicial Magistrate Ist Class, Zira, accompanied by the joint statement of both the parties, the FIR No. .46 dated 08.03.2020 under Sections 406/420/120-B IPC registered with Police Station City-I, Abohar, District Fazilka and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 05, 2022
sukhpreet

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