

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-52652-2021

Date of Decision:-22.11.2022

Jaswinder Singh @ Pappa & Anr.

.....Petitioners.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Lupil Gupta, Advocate for the Petitioners.

Ms. Rampa Chowdhary, Deputy Advocate General, Punjab.

Mr. Rohit Sharma, Advocate for respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for quashing of FIR No.102 dated 23.08.2019 (Annexure P-1) under Sections 336, 323, 427, 34 IPC and Sections 25/27/54/59 Arms Act, 1959 registered at Police Station Phool, District Bathinda and all consequential proceedings arising therefrom on the basis of compromise dated 11.11.2021 (Annexure P-2) arrived at between the parties.

Vide order dated 18.08.2022 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 18.08.2022 with regard to the compromise dated 11.11.2021 (Annexure P-2).

In terms of the order dated 18.08.2022 passed by this Court parties have appeared before the court of Ms. Meenakshi Gupta, Sub Divisional Judicial Magistrate, Phul and as per report dated 14.10.2022 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 Sub Divisional Judicial Magistrate Phul accompanied by statements of both the parties, the FIR No.102 dated 23.08.2019 (Annexure P-1) under Sections 336, 323, 427, 34 IPC and Sections 25/27/54/59 Arms Act, 1959 registered at Police Station Phool, District Bathinda and all consequential proceedings arising therefrom are hereby quashed qua the petitioner herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 22, 2022

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>