

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43793-2019 (O & M)

Date of decision:08.09.2022

Balwinder Singh

..... Petitioner

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Anil Kumar Garg, Advocate, for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Saurabh Kapoor, Advocate,
for Mr. Kushagra Mahajan, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

CRM-32504-2022

This is an application under Section 482 Cr.P.C. for placing on record document (Annexure P-4) in continuation of the earlier Annexure P-1 to P-3.

For the reasons mentioned in the application, the same is allowed and the document i.e. charge-sheet (Annexure P-4) is taken on record.

CRM-M-43793-2019

The prayer in this petition is for quashing of the FIR No.0113 dated 27.09.2019 under Sections 336, 34 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Sadar Ahmedgarh, District Sangrur and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

Vide order dated 05.07.2022 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 05.07.2022 with regard to the compromise (Annexure P-2).

In terms of the order dated 05.07.2022 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class, Malerkotla and as per his report dated 26.07.2022 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 Judicial Magistrate, Ist Class, Malerkotla, accompanied by the joint statement of both the parties, FIR No. 0113 dated 27.09.2019 under Sections 336, 34 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Sadar Ahmedgarh, District Sangrur and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 08, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No