

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

239

CRM-M-1092 of 2020
Date of Decision:13.04.2023.

Palwinder Singh

.....Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWALPresent: Mr. Surinder Thakur, Advocate
for the petitioner.

Mr. Ravinder Singh, AAG., Punjab.

Mr. Sandeep Sharma, Advocate for
Mr. Nitin Verma, Advocate for
respondent No.2.

VIKRAM AGGARWAL, J. (ORAL)

The prayer in this petition is for quashing of FIR No.308 dated 25.10.2019, registered under Sections 295-A of the Indian Penal Code, 1860 and 66(a)(b) of Information and Technology Act, 2000, at Police Station Model Town, District Hoshiarpur, Punjab (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of a compromise/settlement dated 23.11.2019 (Annexure P-2) arrived at between the petitioner and respondent no.2.

Vide orders dated 13.01.2020 and 24.02.2020, a Coordinate Bench of this Court had directed the parties to appear before trial Court/Illaq Magistrate for getting their statements recorded with regard to the compromise/settlement dated 23.11.2019 (Annexure P-2).

The trial Court/ Illaq Magistrate was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 13.01.2020 and 24.02.2020 passed by this Court, the parties appeared before the learned Chief Judicial Magistrate, Hoshiarpur and as per the report dated 09.03.2020 submitted to this Court, both the parties got their respective statements recorded 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.P.C., can be exercised in such like situations 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 directions 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 Chief Judicial Magistrate, Hoshiarpur accompanied by statements of both the parties, the FIR No.308 dated 25.10.2019, registered under Sections 295-A of the Indian Penal Code, 1860 and 66(a)(b) of Information and Technology Act, 2000, at Police Station Model Town, District Hoshiarpur, Punjab (Annexure P-1) along with all consequential proceedings arising therefrom is hereby quashed *qua* the petitioner.

The present petition stands allowed/disposed of accordingly.

(VIKRAM AGGARWAL)
JUDGE

April 13th, 2023
Rekha

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