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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3448-2022
Date of decision :20.02.2023

BIKKAR SINGH

... PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mikhail Kad, Advocate for the petitioner.

Mr. Shubham Kaushik, Asstt. A.G., Punjab.

Mr. J.S. Bhinder, Advocate for respondent No.2.

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JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of FIR No. 34 dated 09.03.2016 registered under Sections 420, 120-B and 201 IPC at Police Station Bhawanigarh, District Sangrur and all the subsequent proceedings arising therefrom on the basis of a compromise dated 20.12.2022 arrived at between the parties.

Vide order dated 30.11.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise and the Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 30.11.2022 passed by this Court, the parties have appeared before the Additional Chief Judicial Magistrate, Sangrur, and as per the report dated 23.12.2022 submitted to this Court, both the parties

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have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected 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"***.

Further, the learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739- 2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017, Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019 and Vimal Kalra & others Versus State of Punjab & another, CRMM-20355-2022, decided on 25.07.2022*** submits that partial quashing of the FIR was possible on the basis of a compromise.

Keeping in view the law laid down by this Court in the aforementioned judgments and the report of the Additional Chief Judicial Magistrate, Sangrur, the FIR No. 34 dated 09.03.2016 registered under Sections 420, 120-B and 201 IPC at Police Station Bhawanigarh, District Sangrur

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alongwith all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioner only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.02.2023
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Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No

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