

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

CRM-M-1835-2020

Date of Decision:-03.05.2023

Rajan Setia & Anr.

.....Petitioners.

Vs.

State of Punjab & Anr.

.....Respondents.

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

Present:- Mr. Munish Kumar Garg, Advocate &
Mr. Tajveer Singh, Advocate for
Mr. Deshpreet Singh, Advocate for the Petitioners.

Mr. Sanish Girdhar, Assistant Advocate General, Punjab.

Mr. Taqdeerjeet Singh Sidhu, Advocate for
Mr. Pankaj Shukla, Advocate for respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition is for quashing of FIR No.0173 dated 26.08.2019 (Annexure P-1) under Sections 408, 420, 120-B IPC registered at P.S. City-1, Abohar, District Fazilka and all consequential proceedings arising therefrom on the basis of compromise dated 09.12.2019 (Annexure P-2) arrived at between the parties.

Vide order dated 16.01.2020 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 16.01.2020 with regard to the compromise dated 09.12.2019 (Annexure P-2).

In terms of the order dated 16.01.2020 passed by this Court parties have appeared before the court of Mr. Harprete Singh, Sub Divisional

Judicial Magistrate, Abohar and as per report dated 19.03.2020 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, Abohar accompanied by statements of both the parties, the FIR No.0173 dated 26.08.2019 (Annexure P-1) under Sections 408, 420, 120-B IPC registered at P.S. City-1, Abohar, District Fazilka and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 03, 2023
Vinay

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