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2023:PHHC:045631

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3886-2023

Date of decision :28.03.2023

RAJJAT @ RAJAT CHAWLA & ANR.

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ankit Gupta, Advocate
for the petitioner(s).

Ms. Navreet Kaur Barnala, Asstt. A.G., Punjab.

Mr. Mitul Singh Rana, Advocate for
Mr. Amarjot Singh, Advocate
for respondent Nos.2 and 3.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.281 dated 30.10.2022 registered under Sections 323, 324, 341, 427, 148, 149 IPC and G.D. No.38 dated 22.11.2022 through which Section 326 IPC added later on at Police Station Model Town, Hoshiarpur, Punjab (Annexures P-1 and P-2) along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 24.01.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 10.01.2023 (P-3).

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 24.01.2023 passed by this Court, the parties have appeared before the Judicial Magistrate, 1st Class,

CRM-M-3569-2023

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Hoshiarpur and as per the report dated 10.02.2023 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, 1st Class, Hoshiarpur accompanied by statements of both the parties, the FIR No.281 dated 30.10.2022 registered under Sections 323, 324, 341, 427, 148, 149 IPC and G.D. No.38 dated 22.11.2022 through which Section 326 IPC added later on at Police Station Model Town, Hoshiarpur, Punjab (Annexures P-1 and P-2) along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

28.03.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No