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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-24600-2023 in/and
CRM-M-6371-2022
Date of decision :02.06.2023

SURINDER SINGH @ SAWINDER SINGH @ SHINDA & ORS.

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ritesh Pandey, Advocate
for the petitioner(s).

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

Mr. Vinod Pundir, Advocate for
Mr. Manoj K. Sharma, Advocate
for reseedent No.2.

JASJIT SINGH BEDI, J. (ORAL)

CRM-24600-2023

The present application has been filed by the applicant-petitioner for recalling the order dated 29.04.2023 vide which the aforesaid case was dismissed for want of prosecution.

For the reasons mentioned in the application, the same is allowed and the order dated 29.04.2023 is restored to its original number.

CRM-M-6371-2022

The prayer in this petition is for quashing of an FIR No.03 dated 02.01.2018 (Annexure P-1) registered under Sections 323, 324, 326, 148 and 149 IPC at Police Station Bhaini Mian Khan, District

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Gurdaspur along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the petitioners and respondent no.2.

Vide order dated 12.02.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 17.07.2021 (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 12.02.2022 passed by this Court, the parties have appeared before the learned Judicial Magistrate, 1st Class, Gurdaspur and as per the report dated 04.04.2022 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 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”.

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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, CRM-M-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 Judicial Magistrate, 1st Class, Gurdaspur accompanied by statements of both the parties, the FIR No.03 dated 02.01.2018 registered under Sections 323, 324, 326, 148 and 149 IPC at Police Station Bhaini Mian Khan, District Gurdaspur along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

02.06.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No