

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-7268 of 2021

Date of Decision:23.03.2023.

Aamna Khatoon and others

.....Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Naveen Kumar, Advocate
for Mr. Imran Farooqui, Advocate
for the petitioners.

Mr. Ravinder Singh, AAG., Punjab.

Mr. Sandeep Sharma, Advocate
for Ms. Jyotika Pawar, Advocate
for respondents no.2 and 3.

VIKRAM AGGARWAL, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.8 dated 04.01.2020, registered under Sections 323, 379-B, 452, 149, 148 IPC, at Police Station City-II, Malerkotla, District Sangrur (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of a compromise dated 13.01.2020 (Annexure P-2) arrived at between the petitioners and respondents no.2 and 3.

Vide order dated 16.02.2021, a Coordinate Bench of this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 13.01.2020 (Annexure P-2).

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 16.02.2021 passed by this Court, the parties have appeared before the learned Sub-Divisional Judicial Magistrate, Malerkotla and as per the report dated 10.03.2022 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 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 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, Malerkotla accompanied by statements of both the parties, the FIR No.8 dated 04.01.2020 (Annexure P-1) registered under Sections 323, 379-B, 452, 149, 148 IPC, at Police Station City-II, Malerkotla, District Sangrur, along with all consequential proceedings arising therefrom are hereby quashed *qua* the petitioners.

The present petition stands allowed/disposed of accordingly.

March 23, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE