

CRM-M-9236 of 2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9236 of 2022 (O & M)

Date of decision: 20.03.2023

Ashok Kumar and ors.

..... Petitioner(s)

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arshit Goel, Advocate, for the petitioner(s).

Ms. Navreet Kaur Barnala, AAG, Punjab.

Mr. Himmat Singh Sidu, Advocate,
for Mr. Shivam Malhotra, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No. 137 dated 20.07.2021 under Sections 324, 323, 148 and 149 IPC (Section 201 IPC added later on) registered at Police Station Julkan, District Patiala and all subsequent proceedings arising therefrom on the basis of compromise and affidavit dated 25.02.2022 (Annexures P-2 and P-3).

Vide order dated 04.03.2022 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 04.03.2022 with regard to the compromise and affidavit (Annexures P-2 and P-3).

In terms of the orders dated 04.03.2022 passed by this Court parties have appeared before the court of JMIC/CJ (JD), Patiala and as per

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the report dated 16.03.2022 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.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 JMIC/CJ (JD), Patiala, accompanied by the joint statement of both the parties, the present FIR 137 dated 20.07.2021 under Sections 324, 323, 148 and 149 IPC (Section 201 IPC added later on) registered at Police Station Julkan, District Patiala and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 20, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No