

238 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8672-2020
DECIDED ON: 11.05.2023

VISHAL SAINI

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Puneet Sharma, Advocate
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Sukhmeet Singh, Advocate for
Mr. G.S. Rawat, Advocate
for respondent No.2.

VIKRAM AGGARWAL, J (ORAL)

1. The prayer in this petition is for quashing of FIR No.0149 dated 25.06.2019 registered under Sections 279, 337, 338 and 427 of Indian Penal Code at Police Station City Kharar, District Mohali along with all subsequent proceedings arising therefrom on the basis of a affidavit dated 29.07.2019 (Annexure P-2) arrived at between the petitioner and respondent No. 2.

2. Vide order dated 27.02.2020, a Coordinate Bench of this Court had directed the parties to appear before the Area Magistrate/trial Court for getting their statements recorded with regard to the affidavit dated 29.07.2019 (Annexure P-2).

3. The Area Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

4. Pursuant to the order dated 27.02.2020 passed by this Court, the parties appeared before the Sub-Divisional Judicial Magistrate, Kharar and as

per the report dated 31.03.2021 submitted to this Court, both the parties got their respective statements recorded in Court.

5. 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. The powers under Section 482 Cr.P.C can be exercised in such like situations 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 directions 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”***.

6. In view of the aforesaid report of the Sub-Divisional Judicial Magistrate, Kharar accompanied by statements of both the parties, the present petition is allowed and FIR No.0149 dated 25.06.2019 registered under Sections 279, 337, 338 and 427 of Indian Penal Code at Police Station City Kharar, District Mohali, along with all subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

11.05.2023
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

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