

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

241

CRM-M-11252 of 2022
Date of Decision: 09.05.2023.

Mandeep Singh

.....Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWALPresent: Mr. Vikas Kumar Gupta, Advocate for
Mr. Vikram Bali, Advocate for the petitioner.

Mr. M.S. Nagra, A.A.G., Punjab.

Mr. Rohit Joshi, Advocate
for respondent No.2.

VIKRAM AGGARWAL, J. (ORAL)

1. The prayer in this petition is for quashing of FIR No.0004 dated 12.01.2022, under Section 379-B of the Indian Penal Code, 1860 (for short 'the IPC'), registered at Police Station Haryana, District Hoshiarpur (Annexure P-1), along with all subsequent proceedings arising therefrom on the basis of a compromise dated 23.09.2020 (Annexure P-3) arrived at between the petitioner and respondent no.2.

2. Vide order dated 16.03.2022, a Coordinate Bench of this Court had directed the parties to appear before the trial Court/Area Magistrate for getting their statements recorded with regard to the compromise dated 23.09.2020 (Annexure P-3).

3. The trial Court/Area Magistrate was to submit a report in this regard

4. Pursuant to the order dated 16.03.2022 passed by this Court, the parties appeared before the Judicial Magistrate Ist Class, Hoshiarpur and as per the report dated 20.09.2022 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”***.

In view of the aforesaid report of the Judicial Magistrate Ist Class, Hoshiarpur accompanied by statements of both the parties, the present petition is allowed and FIR No.0004 dated 12.01.2022, under Section 379-B IPC, registered at Police Station Hariana, District Hoshiarpur (Annexure P-1), along with all consequential proceedings arising therefrom is hereby quashed *qua* the petitioner.

May 09th, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*