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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-13753-2023

Date of Decision: 02.05.2023

SANJEEV BHAGAT

..... PETITIONER

VS

STATE OF PUNJAB AND ORS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

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

Mr. Sarabjit Singh Cheema, DAG, Punjab.

GURBIR SINGH, J. (ORAL)

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The prayer in the present petition filed under Section 482 Cr.P.C. is for partially quashing of FIR No.110 dated 26.05.2018, under Sections 323, 447, 427, 506, 148, 149 IPC (Section 325 of IPC added later on) registered at Police Station Chheharta, Tehsil & District Amritsar alongwith all subsequent proceedings arising therefrom on the basis of compromise dated 27.02.2023 arrived at between the parties and in view of Full Bench judgment passed by this Hon'ble Court in case titled as Kulwinder Singh & Ors. Vs. State of Punjab & Anr.

Learned counsel for the parties have stated that the present FIR may be quashed as the parties have amicably settled the dispute.

During the course of preliminary hearing, the trial Court was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise by this Court.

In compliance thereof, report dated 24.04.2023 from the Judicial Magistrate Ist Class, Amritsar has been received through the District & Sessions Judge, Amritsar, with statements of the parties, in which, it has been

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mentioned that the compromise is genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioner submits that in CRM-M-40869-2019 and CRM-M-537-2020, the FIR qua some of the co-accused stood already quashed. He further submits that FIR qua petitioner may also be quashed as compromise has been effected.

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 and others vs. State of Punjab and another”, 2007(3) RCR (Criminal) 1052 and “Gian Singh vs. State of Punjab and another”, 2012 (4) RCR (Criminal) 543.

In view of the aforesaid report of the Sub Divisional Judicial Magistrate, Amritsar accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.110 dated 26.05.2018, under Sections 323, 447, 427, 506, 148, 149 IPC (Section 325 of IPC added later on) registered at Police Station Chheharta, Tehsil & District Amritsar and all consequential proceedings arising therefrom are hereby quashed, on the basis of compromise, *qua* the petitioner subject to payment of costs of Rs.10,000/- to be deposited with the District Legal Services Authority, concerned.

02.05.2023

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(GURBIR SINGH)
JUDGEWhether speaking/reasoned
Whether reportableYes/No
Yes/No