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2023:PHHC:106499

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28839-2018

Date of decision :17.08.2023

SUKHWINDER MASIH AND OTHERS

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Manoj Kumar, Advocate
for the petitioner(s).

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. Ritesh Pandey, Advocate
for respondent No.2 & 3.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.09 dated 07.02.2018 (Annexure P-1) registered under Sections 326, 323, 324, 148, 149 IPC, 1860 at Police Station Ghuman Batala, Tehsil Batala Police District Batala, District Gurdaspur along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 12.07.2018 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 11.04.2018 (P-3).

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 12.07.2018 passed by this Court, the parties have appeared before the learned Judicial Magistrate, 1st Class, Batala and as per the report dated 24.09.2018 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 learned Judicial Magistrate, 1st Class, Batala accompanied by statements of both the parties, the FIR No.09 dated 07.02.2018 (Annexure P-1) registered under Sections 326, 323, 324, 148, 149 IPC, 1860 at Police Station Ghuman Batala, Tehsil Batala Police District Batala, District Gurdaspur along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

17.08.2023
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No