

2023:PHHC:076559

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21010-2022
Date of Decision : 25.05.2023

Gurjinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Ms. Shazia K.Singh, Advocate for the petitioner.
Mr. Mohit Kapoor, Addl. A.G., Punjab.
Mr. Vikas Prakash, Advocate for Mr. G.S.Virk, Advocate
for respondent No.2.

VIKRAM AGGARWAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.25 dated 26.03.2022, registered under Sections 279, 337, 338, 427 IPC, at Police Station Mullepur, District Fatehgarh Sahib along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 22.04.2022 (Annexure P-2) arrived at between the petitioner and respondent No.2.

2. Vide order dated 16.05.2022, 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/affidavit dated 22.04.2022 (Annexure P-2).

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

4. Pursuant to the order dated 16.05.2022 passed by a Coordinate

Bench of this Court, the parties appeared before the Judicial Magistrate Ist Class, Fatehgarh Sahib and as per the report dated 25.11.2022 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.PC 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 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**”.

6. In view of the aforesaid report of the Judicial Magistrate Ist Class, Fatehgarh Sahib accompanied by statements of both the parties, the present petition is allowed and the FIR No.25 dated 26.03.2022, registered under Sections 279, 337, 338, 427 IPC, at Police Station Mullepur, District Fatehgarh Sahib along with all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

The present petition stands allowed accordingly.

(VIKRAM AGGARWAL)
JUDGE

25.05.2023

mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No