

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-20420-2023(O&M)

Date of Decision:-03.10.2023

Pawandeep Singh @ Makri.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sanjeev K Virk, Advocate for the applicant/Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

Mr. Satnam Singh, Advocate for respondent no.2.

JASJIT SINGH BEDI, J. (ORAL)

CRM-36524-2023

The prayer in the application under Section 482 Cr.PC is for recalling of the order dated 17.07.2023 and for restoration of the main petition. Oral prayer has also been made for disposal of the main petition as the parties have got recorded their statements with regard to the genuineness of compromise.

Heard.

For the reasons stated in the application the same is allowed and the order dated 17.07.2023 is hereby recalled and the main petition is ordered to be restored to its original number. The petition is taken up for hearing today itself.

CRM-M-20420-2023

The prayer in this petition is for quashing of FIR No.25 dated 14.03.2022 under Sections 451, 323, 379, 427, 506, 148, 149 IPC registered at P.S. Sadar Kapurthala (Section 325 IPC added later on) and all consequential proceedings arising therefrom on the basis of compromise dated 06.04.2023 (Annexure P-2) arrived at between the parties.

Vide order dated 25.04.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 25.04.2023 with regard to the compromise dated 06.04.2023 (Annexure P-2).

In terms of the order dated 25.04.2023 passed by this Court parties have appeared before the court of Ms. Rajwant Kaur, Addl. Chief Judicial Magistrate, Kapurthala and as per report dated 29.05.2023 submitted to this Court, both the parties have got recorded their respective statements in Court.

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.***

Further, the learned counsel for the petitioners, while placing

reliance upon the judgments passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589** and this Court in **Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739-2010 decided on 27.04.2011**, **Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017**, **Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019** and **Vimal Kalra & others Versus State of Punjab & another, CRM-M-20355-2022, decided on 25.07.2022** submits that partial quashing of the FIR was possible on the basis of a compromise.

In view of the aforesaid report of the learned Addl. Chief Judicial Magistrate, Kapurthala accompanied by statements of both the parties, the FIR No.25 dated 14.03.2022 under Sections 451, 323, 379, 427, 506, 148, 149 IPC registered at P.S. Sadar Kapurthala (Section 325 IPC added later on) and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 03, 2023

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>