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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20631-2022
Date of decision :16.02.2023

NITIN ALIAS NITIN GUPTA

... PETITIONER

VERSUS

STATE OF U.T., CHANDIGARH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. Shashank Bhandari, Advocate
for respondent No. 1 and 2-U.T., Chandigarh.

Mr. Sitanshu Kumar Dass, Advocate for respondent No. 3.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No. 115 dated 03.08.2020 registered under Sections 279, 337 & 338 (added later on) of IPC at Police Station Maloya, Chandigarh along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 13.05.2022 this Court had directed the parties to appear before Illaqa Magistrate/Trial Court for getting their statements recorded with regard to the compromise dated 13.07.2022 (P-2).

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 13.05.2022 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Chandigarh and as per the report dated 06.08.2022 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 Ist Class, Chandigarh accompanied by statements of both the parties, the FIR No. 115 dated 03.08.2020 registered under Sections 279, 337 & 338 (added later on) of IPC at Police Station Maloya, Chandigarh along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

16.02.2023
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Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No