

CRM-M-25356-2021 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(266)

CRM-M-25356-2021 (O & M)

Date of decision: 08.08.2023

Chhinderpal Singh @ Chhinder Pal and ors.

..... Petitioner(s)

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Lajpat Sharma, Advocate,
and Mr. Parvesh Sachdeva, Advocate,
for the petitioner(s).

Mr. Harkanwar Jit Singh, AAG, Punjab.

Mr. Lalit Pardhan, Advocate,
for Mr. Amandeep Chhabra, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No. 112 dated 13.04.2020 under Sections 323, 506, 148, 149 IPC registered at Police Station Sadar Fazilka, District Fazilka (Section 325 IPC added later on vide DDR No.11 dated 19.04.2020, Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3) alongwith the supporting affidavit executed by respondent No.2 (Annexure P-4).

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Vide order dated 07.07.2021, 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 07.07.2021 with regard to the compromise and affidavit (Annexures P-3 and P-4).

In terms of the order dated 07.07.2021 passed by this Court parties have appeared before the court of Additional Chief Judicial Magistrate, Fazilka and as per the report dated 26.10.2021 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 Additional Chief Judicial Magistrate, Fazilka, accompanied by the joint statement of both the parties, the present FIR No. 112 dated 13.04.2020 under Sections 323,

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(Section 325 IPC added later on vide DDR No.11 dated 19.04.2020, Annexure P-2) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 08, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No