

2023:PHHC:129824

CRM-M-20438 of 2019 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20438 of 2019 (O & M)

Date of decision: 06.10.2023

Gurpreet Singh @ Gopi

..... Petitioner(s)

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sandeep Wadhawan, Advocate,
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Survir Tandon, Advocate,
for respondents No.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No.42 dated 22.06.2017 under Sections 323, 324, 506, 148 and 149 IPC and Section 326 IPC (added later on) registered at Police Station Mehta, Amritsar Rural and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide orders dated 20.05.2019 and 05.09.2023 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

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orders dated 20.05.2019 and 05.09.2023 with regard to the compromise (Annexure P-2).

In terms of the orders dated 20.05.2019 and 05.09.2023 passed by this Court parties (including Manpreet Singh-respondent No.3/victim who appeared through whatsapp video call in terms of order dated 05.09.2023) have appeared before the court of Sub Divisional Judicial Magistrate, Baba Bakala Sahib and as per the reports 06.08.2019 and 03.10.2023 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 reports of the Sub Divisional Judicial Magistrate, Baba Bakala Sahib, accompanied by the joint statement of both the parties, the present FIR No.42 dated 22.06.2017 under Sections 323, 324, 506, 148 and 149 IPC and Section 326 IPC (added later on) registered

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at Police Station Mehta, and all subsequent proceedings arising therefrom
are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 06, 2023
sukhpreet

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