

CRM-M-26478 of 2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26478 of 2023 (O & M)

Date of decision: 10.08.2023

Gurmit Singh and ors.

..... Petitioner(s)

V/s

State of Punjab and anr..

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. G.S. Sirphikhi, Advocate,
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Vishal Sodhi, Advocate,
for the respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of an FIR No.101 dated 28.08.2021 under Sections 323/324/34 IPC and Section 307 IPC (added later on) at Police Station Ghuman, Police District Batala and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 29.05.2023 this Court had directed the parties

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terms of certain parameters given in the aforesaid order dated 29.05.2023 with regard to the compromise (Annexures P-2).

In terms of the order dated 29.05.2023 passed by this Court, the parties have appeared before the court of Judicial Magistrate Ist Class-cum-Civil Judge (Junior Division), Batala and as per the report dated 15.07.2023 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.***

Since no injury has been caused to the complainant party, the possibility of recording of conviction under Section 307 IPC is unlikely.

In view of the aforesaid report of the Judicial Magistrate Ist Class-cum-Civil Judge, (Junior Division), Batala, accompanied by the joint statement of both the parties, the present FIR No.101 dated 28.08.2021

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Police Station Ghuman, Police District Batala, and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 10, 2023
sukhpreet

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