

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

239

CRM-M 26800 of 2022
Date of Decision: 20.01.2023

Jagdev Singh and Ors.

.....*Petitioners*

Versus

State of Punjab and Anr.

.....*Respondents*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. M.S. Bhatti, Advocate for the petitioners.

Ms. Himani Arora, AAG Punjab.

Mr. Kulwinder Singh, Advocate for respondent No. 2.

GURBIR SINGH, J (ORAL)

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.190 dated 04.09.2015 under Sections 420, 120-B, 465, 468 and 471 IPC, registered at Police Station Samrala, District Khanna, and all other consequential proceedings arising out of the said FIR, as the matter stands amicably settled in terms of compromise dated 09.12.2021 (Annexure P-2).

Learned counsel for the parties have stated that the present FIR may be quashed as the parties have amicably settled.

During the course of preliminary hearing, the trial Court was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise by this Court.

In compliance thereof, report from learned Judicial Magistrate First Class, Samrala, has been received through District and Sessions Judge, Ludhiana, with statements of parties, in which, it has been mentioned that the there are seven person have been arrayed as accused in the present case

i.e. accused Jagdev Singh, Kulwant Singh, Charanjit Kaur, Gurdeep Singh, Harjinder Singh, Ram Gopal and Satpal@ Satparkash and out of them two accused person namely Satpal @ Satparkash and Charanjit Kaur, have already been died. It has also been mentioned that the compromise is genuine and valid and outcome of free consent of the parties and is without coercion from any quarter.

The powers under Section 482 Cr. P.C. 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 and others vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052 and “Gian Singh Versus State of Punjab and another”, 2012(4) RCR (Criminal) 543.

In view of aforesaid report of the Judicial Magistrate First Class, Samrala, accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.190 dated 04.09.2015 under Sections 420, 120-B, 465, 468 and 471 IPC, registered at Police Station Samrala, District Khanna, and all subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise, qua the petitioners only.

20.01.2023

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(GURBIR SINGH)
JUDGE

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