

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

249

CRM-M 24910 of 2022

Date of Decision: 22.03.2023

Harjit Singh

.....*Petitioner*

Versus

State of Punjab and Ors.

.....*Respondents*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Ramnish Puri, Advocate for the petitioner.

Mr. G.S. Shergill, AAG, Punjab.

Mr. Amit Khari, Advocate for respondent Nos.2 & 3.

GURBIR SINGH, J (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.47 dated 17.05.2022 under Sections 3(iv) of the SC/ST (Prevention of Atrocities) Act 1989 (Amendment 2015), registered at Police Station Sadar Moga, District Moga, and all other consequential proceedings arising out of the said FIR, as the matter stands amicably settled in terms of compromise.

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

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 Additional Chief Judicial Magistrate, Moga, has been received through District and Sessions Judge, Moga, with statements of parties, in which, it has 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. I also draw support from case “CRM-M-13463-2022” titled as “Balwinder Singh @ Babbu Vs. State of Punjab” decided on 26.04.2022 by the Co-ordinate Bench of this Court, where FIR was registered *inter alia* under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Said FIR was quashed on the basis of compromise.

In view of aforesaid report of the learned Additional Chief Judicial Magistrate, Moga, accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.47 dated 17.05.2022 under Sections 3(iv) of the SC/ST (Prevention of Atrocities) Act 1989 (Amendment 2015), registered at Police Station Sadar Moga, District Moga and all subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise, qua the petitioner.

(GURBIR SINGH)
JUDGE

22.03.2023

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