

CRM-31117-2023
in CRM-M-23762-2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-31117-2023
in CRM-M-23762-2023 (O & M)
Date of decision: 01.08.2023

Preshan Singh Mann

..... Applicant-Petitioner(s)

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Nirmaljeet Singh Sidhu, Advocate,
for the applicant-petitioner(s).

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Tejwinder Singh Hundal, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

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This is an application seeking advancement of next date of hearing i.e. 12.01.2024 fixed in the main case to some early date.

For the reasons mentioned in the application, same is allowed and the next date of hearing fixed in the main case is advanced to today itself and the matter is taken up for hearing.

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The prayer in this petition is for quashing of FIR No. 26 dated 15.04.2021 under Section 506 IPC and Sections 3(1)(X) of SC and ST Act (Prevention of Atrocities) Act, 1989 registered at Police Station Balianwali, District Bathinda, Punjab and all subsequent proceedings arising therefrom on the basis of compromise dated 02.05.2023 (Annexure P-2).

Vide order dated 12.05.2023 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 order dated 12.05.2023 with regard to the compromise (Annexures P-2).

In terms of the order dated 12.05.2023 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class, Phul and as per the report dated 22.06.2023 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***

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& 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 Judicial Magistrate Ist Class, Phul , accompanied by the joint statement of both the parties, the present FIR No.26 dated 15.04.2021 under Section 506 IPC and Sections 3(1)(X) of SC and ST Act (Prevention of Atrocities) Act, 1989 registered at Police Station Balianwali, District Bathinda, Punjab, and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 01, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No