

CRM-M-23926 of 2023 (O & M)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23926 of 2023 (O & M)
Date of decision: 23.08.2023

Harsh Goyal

..... Petitioner(s)

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rahul Garg, Advocate,
for Mr. Neesh Garg, Advocate,
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Harnamanpreet Singh, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No. 263 dated 28.11.2021 under Section 420 IPC and Sections 66C, 66D of I.T. Act registered at Police Station Kamboj, District Amritsar Rural (Annexure P-1) and DDR No.55 dated 09.12.2021 (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.05.2023 (Annexure P-3).

CRM-M-23926 of 2023 (O & M)

::2::

Vide order dated 11.05.2023 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 11.05.2023 with regard to the compromise (Annexure P-3).

In terms of the order dated 11.05.2023 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class, Amritsar and as per the report dated 12.06.2023 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 & 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, Amritsar, accompanied by the joint statement of both the parties, the present FIR 263 dated 28.11.2021 under Section 420 IPC and Sections 66C,

CRM-M-23926 of 2023 (O & M) ::3::

(Annexure P-1) and DDR No.55 dated 09.12.2021 (Annexure P-2), and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 23, 2023
sukhpreet

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