

2023:PHHC:060071

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25601-2022
Date of Decision : 27.04.2023

Hari Pal

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Mohan Singh Chauhan, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab
for respondent No.1-State.

Mr. Malkiat S.Hundal, Advocate
for Mr. Sumeet S.Brar, Advocate
for respondent No.2.

VIKRAM AGGARWAL, J (ORAL)

1. Prayer in this petition under Section 482 Cr.P.C. is for quashing of FIR No.136 dated 23.11.2012, registered under Sections 420, 406 IPC, at Police Station Bhogpur, District Jalandhar City, order dated 25.09.2013, vide which the petitioner has been declared proclaimed person/absconded person and all subsequent proceedings arising therefrom on the basis of a compromise dated 19.04.2022 (Annexure P-4) arrived at between the petitioner and respondent No.2.

2. Reply by way of affidavit of Sarbjit Rai, PPS, Deputy Superintendent of Police, Sub-Division Adampur, District Jalandhar on behalf

of respondent No.1-State of Punjab is already on record. The Registry is directed to tag the same at an appropriate place on the case file.

3. Vide order dated 29.11.2022, a Coordinate Bench of this Court had directed the parties to appear before the trial Court/Area Magistrate for getting their statements recorded with regard to the compromise dated 19.04.2022 (Annexure P-4).

4. The trial Court/Area Magistrate was to submit a report in this regard giving certain details as enumerated in the said order.

5. Pursuant to the order dated 29.11.2022 passed by this Court, the parties appeared before the Judicial Magistrate Ist Class, Jalandhar and as per the report dated 16.12.2022 submitted to this Court, both the parties got their respective statements recorded in Court.

6. 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. The powers under Section 482 Cr.PC can be exercised in such like situations 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***”.

7. In view of the aforesaid report of the Judicial Magistrate Ist Class, Jalandhar accompanied by statements of both the parties, the FIR No.136 dated 23.11.2012, registered under Sections 420, 406 IPC, at Police Station Bhogpur, District Jalandhar City along with all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

The present petition stands allowed accordingly.

27.04.2023
mamta

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No