

CRM-M-27930 of 2021 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27930 of 2021 (O & M)

Date of decision: 10.04.2023

Irfan Khan @ Mohammad Irfan Khan

..... Petitioner(s)

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Amit Dhawan, Advocate, for the petitioner(s).

Ms. Navreet Kaur Barnala, AAG, Punjab.

Mr.Ramandeep Singh Brar, Advocate,
for Mr. Prabhjot Singh, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No. 49 dated 04.06.2021 under Sections 363 IPC registered at Police Station Division No.4, District Police Commissionerate, Jalandhar and all subsequent proceedings arising therefrom on the basis of compromise (Annexures P-3 and P-4).

Vide order dated 11.10.2022 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 11.10.2022 with regard to the compromise (Annexures P-3 and P-4).

In terms of the orders dated 11.10.2022 passed by this Court

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Justice Board, Jalandhar, and as per the report dated 28.03.2023 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 the report of the Principal Magistrate, Juvenile Justice Board, Jalandhar, accompanied by the joint statement of both the parties, the present FIR No. 49 dated 04.06.2021 under Sections 363 IPC registered at Police Station Division No.4, District Police Commissionerate, Jalandhar and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 10, 2023