IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M 28962 of 2021 (O&M)
Date of Decision: 11.01.2023

Nihal Vijan @ Lavi and Ors.

.....Petitioners

Versus

State of Punjab and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Pankaj Bali, Advocate for the petitioners.

Mr. G.S. Shergill, AAG Punjab.

Mr. Ankit Aggarwal, Advocate for
Mr. Parveen Sharma, Advocate for respondents No. 2 & 3.

GURBIR SINGH, J (ORAL)

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.201 dated 26.11.2020 under Sections 408, 120-B IPC, registered at Police Station City-II Khanna, and all other consequential proceedings arising out of the said FIR, as the matter stands amicably settled in terms of compromise dated 24.03.2021 (Annexure P-2).

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 Civil Judge (Jr. Div.)-cum-JMIC, Khanna, has been received through District and Sessions Judge, Ludhiana 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.

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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**.

In view of aforesaid report of the learned Judicial Magistrate Ist Class, Amritsar, accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.201 dated 26.11.2020 under Sections 408, 120-B IPC, registered at Police Station City-II Khanna, and all subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise, qua the petitioners only.

(GURBIR SINGH)
JUDGE

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

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