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CRM-M-26340 of 2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-20875 of 2023 in/and
CRM-M-26340 of 2020
Date of Decision: 10.05.2023.

Jaspinder Singh

.....Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Narinder Singh Kamboj, Advocate
for the applicant/petitioner.

Mr. M.S. Nagra, A.A.G., Punjab.

Mr. Shivam Kamboj, Advocate
for respondent No.2.

VIKRAM AGGARWAL, J. (ORAL)

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Prayer in this application is for preponement of the hearing of this case, which is fixed for 04.07.2023 to some early date as a compromise has already been effected between the parties and statements have been recorded in compliance of the order passed by this Court on 24.11.2020.

Learned counsel for the applicant submits that the order for recording of statements was passed by this Court on 24.11.2020 and even statements were recorded in compliance of the said order but somehow the matter could not thereafter be taken up. He submits that the petitioner desires to visit his son in *Canada* and, therefore, prays that the date of hearing be preponed.

Learned counsel for the non-applicant/respondent No.2 and State of Punjab submit that they have no objection if the date of hearing is preponed.

The prayer made by learned counsel for the applicant is reasonable and justified.

In view of the same, the application is allowed and the main case is preponed from 04.07.2023 to today.

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1. The prayer in this petition is for quashing of FIR No.0253 dated 01.10.2019, under Sections 406, 506 of the Indian Penal Code, 1860 (for short 'the IPC'), registered at Police Station Moti Nagar, District Police Commissionerate, Ludhiana (Annexure P-1), along with all subsequent proceedings arising therefrom on the basis of a compromise dated 02.02.2020 (Annexure P-2) arrived at between the petitioners and respondent no.2.

2. Vide order dated 24.11.2020 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 02.02.2020 (Annexure P-2).

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

4. Pursuant to the order dated 24.11.2020 passed by this Court, the parties appeared before the Judicial Magistrate Ist Class, Ludhiana and as per the report dated 05.04.2021 submitted to this Court, both the parties got their respective statements recorded in Court.

5. 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.P.C., can be exercised in such like situations in order to prevent unnecessary vagaries of criminal trial to be faced

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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 directions 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, Ludhiana, accompanied by statements of both the parties, the present petition is allowed and FIR No.0253 dated 01.10.2019, under Sections 406, 506 IPC, registered at Police Station Moti Nagar, District Police Commissionerate, Ludhiana (Annexure P-1), along with all consequential proceedings arising therefrom is hereby quashed *qua* the petitioner.

May 10th, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE

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