

234 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37322-2021

DATE OF DECISION:-09.01.2023

Sarbjit Kaur and others

...Petitioners.

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Bhupinder Banga, Advocate for the petitioners.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Imran Ali, Advocate for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.0075 dated 24.07.2021, under Sections 452, 324, 323, 148, 149 IPC (section 326 IPC added later on), registered at Police Station Rangar Nangal, District Batala along with all consequential proceedings arising out of the same, on the basis of compromise dated 03.09.2021 (Annexure P-2).

2. Vide order dated 18.02.2022, this Court directed the parties to appear before Illaqa Magistrate/trial Court for getting their statements recorded in terms of certain parameters mentioned therein, with regard to the compromise dated 03.09.2021 (Annexure P-2) arrived at between the parties.

3. In terms of the order dated 18.02.2022 passed by this Court, parties appeared before the court of Ms. Vineeta Luthra, Sub-Divisional Judicial Magistrate, Batala, District Gurdaspur and as per report dated 30.03.2022 submitted to this Court, both the parties got recorded their

respective statements in Court.

4. Perusal of the aforesaid report would show that the compromise effected between the parties is genuine and is not the result of any pressure or coercion. As per the report, there is no other accused except the present petitioners. No accused has been declared proclaimed offender. 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*.

5. Thus, in view of the aforesaid report of the learned Sub-Divisional Judicial Magistrate, Batala, District Gurdaspur accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.0075 dated 24.07.2021, under Sections 452, 324, 323, 148, 149 IPC (section 326 IPC added later on), registered at Police Station Rangar Nangal, District Batala and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

6. Petition stands disposed of.

09.01.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No