

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

202

CRM-M 33993 of 2022

Date of Decision: 24.01.2023

Surjit Singh & Ors.

.....*Petitioners*

Versus

State of Punjab and Anr.

.....*Respondents*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Karanjeet Singh Brar, Advocate for the petitioners.

Mr. Jaiteshwar S. Bhandhari, AAG, Punjab.

Ms. Tanisha, Advocate for

Ms. Anmol, Advocate for respondent No. 2.

GURBIR SINGH, J (ORAL)

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.32 dated 21.04.2017 under Sections 379, 427, 436, 148, 149 IPC, registered at Police Station Arniwala, District Fazilka, and all other consequential proceedings arising out of the said FIR, as the matter stands amicably settled in terms of compromise dated 06.12.2021 (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 Judicial Magistrate First Class, Fazilka, has been received through District and Sessions Judge, Fazilka, with statements of parties, in which, it has been mentioned that the one of the accused namely Ranjit Singh son of Datar Singh has since died.

It is also mentioned that the compromise is genuine and valid and outcome of free consent of the parties and is without coercion from any quarter.

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 Judicial Magistrate First Class, Fazilka, accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.32 dated 21.04.2017 under Sections 379, 427, 436, 148, 149 IPC, registered at Police Station Arniwala, District Fazilka, and all subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise, qua the petitioners only.

24.01.2023

jyoti3

(GURBIR SINGH)
JUDGE

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