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2023:PHHC:050396

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-38303-2022

Date of Decision : 12.04.2023

Sohan Lal @ Mohan Lal and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Ajay Kumar Rana, Advocate for the petitioners.

Mr. Ravinder Singh, AAG, Punjab
for respondent No.1-State.

Mr. Digvijay, Advocate for respondents No.2 and 3.

VIKRAM AGGARWAL, J (ORAL)

The prayer in this petition under Section 482 Cr.P.C. is for quashing of an FIR No.4 dated 18.01.2021, registered under Sections 323, 324, 341, 148, 149 and 506 IPC, at Police Station Handesra, District SAS Nagar (Mohali) along with all subsequent proceedings arising therefrom on the basis of a compromise dated 04.08.2022 (Annexure P-2) arrived at between the petitioners and respondents No.2 & 3.

Vide order dated 26.08.2022, a Coordinate Bench of this Court had directed the parties to appear before the trial Court/Illaq Magistrate for getting their statements recorded with regard to the compromise dated 04.08.2022 (Annexure P-2).

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

Pursuant to the order dated 26.08.2022 passed by this Court, the parties have appeared before the Judicial Magistrate, Ist Class, Dera Bassi

and as per the report dated 15.03.2023 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 of the aforesaid report of the Judicial Magistrate, 1st Class, Dera Bassi accompanied by statements of both the parties, the FIR No.4 dated 18.01.2021, registered under Sections 323, 324, 341, 148, 149 and 506 IPC, at Police Station Handesra, District SAS Nagar (Mohali) along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

The present petition stands allowed accordingly.

(VIKRAM AGGARWAL)

JUDGE

12.04.2023

mamta

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No