

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-41035 of 2022
Date of Decision: 09.05.2023.

Narinder Singh and another

.....Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWALPresent: Mr. Jatinder Pal Singh, Advocate
for the petitioners.

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

Mr. Gurpreet Singh, Advocate
for respondent No.2.

VIKRAM AGGARWAL, J. (ORAL)

1. The prayer in this petition is for quashing of FIR No.365 dated 07.11.2019, under Section 406, 420, 120-B of the Indian Penal Code, 1860 (for short 'the IPC'), registered at Police Station Sohana SAS Nagar Mohali (Annexure P-1), along with all subsequent proceedings arising therefrom on the basis of a compromise dated 29.10.2021 (Annexure P-2) arrived at between the petitioners and respondent no.2.

2. Vide order dated 12.09.2022, 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 29.10.2021 (Annexure P-2).

3. The trial Court/Area Magistrate was to submit a report in this regard

4. Pursuant to the order dated 12.09.2022 passed by this Court, the parties appeared before the Civil Judge (Jr. Division)-cum-Judicial Magistrate Ist Class, SAS Nagar Mohali and as per the report dated 18.10.2022 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 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 Civil Judge (Jr. Division)-cum-Judicial Magistrate Ist Class, SAS Nagar Mohali accompanied by statements of both the parties, the present petition is allowed and FIR No.365 dated 07.11.2019, under Section 406, 420, 120-B IPC, registered at Police Station Sohana SAS Nagar Mohali (Annexure P-1), along with all consequential proceedings arising therefrom is hereby quashed *qua* the petitioners.

(VIKRAM AGGARWAL)
JUDGE

May 09th, 2023
Rekha

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