

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

270

CRM-M-40874-2022

Date of decision: 28.03.2023

LAKHVIR SINGH @ LAKHVEER SINGH @ LAKHU & ANR

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. GBS Gill, Advocate
for the petitioners.

Mr. Tejinder Pal Singh, Advocate
for respondent No. 2.

Mr. G.S. Shergill, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 0162 dated 09.07.2022 under Section 336 of IPC and under 25 of Arms Act registered under Police Station Canal Colony Bathinda, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 18.08.2022 (Annexure P-2), effected between the parties.

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 dated 30.01.2023 from the Additional Chief Judicial Magistrate, Bathinda has been received through the District & Sessions Judge, Bathinda, with statements of the parties, in which, it has been mentioned that the compromise has been effected between them is genuine, voluntarily and without any pressure or coercion and out of free will.

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 vs. State of Punjab and another”, 2012 (4) RCR (Criminal) 543.

In view of the aforesaid report of the Additional Chief Judicial Magistrate, Bathinda accompanied by statement of both the parties, the instant petition is allowed. Consequently, the FIR No. 0162 dated 09.07.2022 under Section 336 of IPC and under 25 of Arms Act registered under Police Station Canal Colony Bathinda, District Bathinda (Annexure P-1) and all consequential proceedings arising therefrom are hereby quashed, on the basis of compromise 18.08.2022 (Annexure P-2), *qua* the petitioners only.

(GURBIR SINGH)
JUDGE

28.03.2023
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No