

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-41201-2020 (O&M)
Date of decision: 22.03.2023

GURDEV SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Naveen Batra, Advocate
for the petitioner.

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

Mr. Rajwinder Singh Advocate
for respondent No.2.

GURBIR SINGH, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.60, dated 15.06.2018, under Sections 420 lodged with Police Station Bareta, District Mansa (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 20.11.2020 (Annexure P-3), 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 28.12.2020 from the Judicial Magistrate 1st Class, Budhlada has been received through the District & Sessions Judge, Mansa, with statements of the parties, in which, it has been mentioned that the compromise is genuine, voluntary and without any coercion or undue influence.

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As per report, only petitioner is facing the trial and other two accused are declared as proclaimed offender in this case.

I also draw support from case “CRM-M-14035 of 2022 in/and CRM-M-6962 of 2020 (O&M), titled as Harsimran Singh Vs. State of Punjab and Anr. Decided on 22.04.2022 by the Co-ordinate Bench of this Court, wherein partial compromise was allowed. Since case is compoundable and other two accused are declared proclaimed offender, so it is fit case for compromise.

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 Judicial Magistrate 1st Class, Budhala accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.60, dated 15.06.2018, under Sections 420 lodged with Police Station Bareta, District Mansa (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise dated 20.11.2020 (Annexure P-3), *qua* the petitioners only.

Subject to payment of cost of Rs. 10,000/- to be deposited with the concerned District Legal Services Authority, within 15 days from the receipt of the copy of this order.

(GURBIR SINGH)
JUDGE

22.03.2023
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No