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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44837-2022
Date of decision : 13.02.2023

ONKAR SINGH @ KARI AND OTHERS

... PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Nash Kaushal, Advocate for
Mr. T.P.S. Bhatti, Advocate
for the petitioners.

Ms. Navreet Kaur Barnala, Asstt. A.G., Punjab.

Mr. Vijay Sheoran, Advocate
for respondent No. 2.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No. 161 dated 05.05.2019 (Annexure P-1) registered under Sections 326, 324, 323, 148, 149 IPC at Police Station Phillaur, District Jalandhar Rural along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 27.09.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 02.03.2022 (P-3).

The Illaqa 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 27.09.2022 passed by this Court, the parties have appeared before the Sub Divisional Judicial Magistrate, Phillaur and as per the report dated 25.01.2023 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 Sub Divisional Judicial Magistrate, Phillaur accompanied by statements of both the parties, the FIR No. 161 dated 05.05.2019 (Annexure P-1) registered under Sections 326, 324, 323, 148, 149 IPC at Police Station Phillaur, District Jalandhar Rural along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.02.2022

manoj

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No