

CRM-M-44416 of 2022 (O & M)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44416 of 2022 (O & M)

Date of decision: 27.03.2023

Abhishek Sharma

..... Petitioner(s)

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Manoj Kumar, Advocate, Advocate,
for the petitioner(s).

Ms. Navreet Kaur Barnala, AAG, Punjab.

Mr. P.B.S. Goraya, Advocate,
for respondents No.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No.143 dated 10.06.2022 under Sections 406, 420, 120-B IPC registered at Police Station Phillaur, District Jalandhar and all subsequent proceedings arising therefrom on the basis of compromise dated 19.09.2022 (Annexure P-8).

Vide order dated 16.01.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 16.01.2023 with regard to the compromise (Annexures P-8).

In terms of the order dated 16.01.2023 passed by this Court, the parties have appeared before the court of Sub Divisional Judicial

CRM-M-44416 of 2022 (O & M)

::2::

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.***

This is a case for partial compromise as the co-accused, namely, Gurpreet Kaur and Gural Singh, have preferred a separate petition bearing CRM-M-56324-2022 seeking quashing of the aforesaid FIR on the basis of a compromise (Annexure P-3) therein.

Further, the learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589** and this Court in **Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739- 2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017, Bhoj Raj Vs. State of Punjab &**

CRM-M-44416 of 2022 (O & M)

::3::

another, CRM-24945-2019 decided on 27.09.2019 and Vimal Kalra & others Versus State of Punjab & another, CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR was possible on the basis of a compromise.

Keeping in view the law laid down by this Court in the aforementioned judgments and the report of the Sub Divisional Judicial Magistrate, Phillaur, the FIR No.143 dated 10.06.2022 under Sections 406, 420, 120-B IPC registered at Police Station Phillaur, District Jalandhar, alongwith all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioner only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 27, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No