

CRM-M-47664 of 2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47664 of 2022 (O & M)

Date of decision: 25.05.2023

Saab Singh

..... Petitioner(s)

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arun Abrol, Advocate, for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

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

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No.68 dated 14.08.2022 under Sections 326, 324 IPC (Section 326 IPC added later on) registered at Police Station Kahnuwan, District Gurdaspur and all subsequent proceedings arising therefrom on the basis of compromise dated 08.10.2022 (Annexure P-2) and affidavit dated 08.10.2022 (Annexure P-3).

Vide order dated 17.10.2022, 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 17.10.2022 with regard to the compromise and affidavit dated 08.10.2022 (Annexures P-2 and P-3 respectively).

In terms of the order dated 17.10.2022 passed by this Court

parties have appeared before the court of Judicial Magistrate Ist Class,

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Gurdaspur and as per the report dated 15.11.2022 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 Judicial Magistrate Ist Class, Gurdaspur, accompanied by the joint statement of both the parties, the present FIR No. 68 dated 14.08.2022 under Sections 326, 324 IPC (Section 326 IPC added later on) registered at Police Station Kahnuwan, District Gurdaspur and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 25, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No