

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48587-2022 (O&M)

Date of Decision: 02.05.2023

ARSHDEEP @ MONI & ORS.

..... PETITIONERS

VS

STATE OF PUNJAB AND ANR

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Sandeep Kumar Bansal, Advocate for the petitioners.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

Dr. Rau P.S.Girwar, Advocate for respondent No.2.

GURBIR SINGH, J. (ORAL)

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The prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.41 dated 17.09.2022, under Sections 365, 323, 379, 427, 148, 149 IPC (Section 201 of IPC, 1860 added later on vide G.D. No.16 dated 19.09.2022) registered at Police Station Thulliwal, District Barnala alongwith all subsequent proceedings arising therefrom on the basis of compromise dated 26.09.2022.

Learned counsel for the petitioners submits that it is a case of version and cross-version.

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 07.02.2023 from the Judicial Magistrate Ist Class, Barnala has been received through the District & Sessions Judge, Barnala in the connected petition i.e. CRM-M-48310-2022, with statements of the parties, in which, it has been mentioned that the compromise is genuine, voluntary and without any coercion or undue influence.

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 Ist Class, Barnala has been received through the District & Sessions Judge, Barnala, accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.41 dated 17.09.2022, under Sections 365, 323, 379, 427, 148, 149 IPC (Section 201 of IPC, 1860 added later on vide G.D. No.16 dated 19.09.2022) registered at Police Station Thulliwal, District Barnala and all consequential proceedings arising therefrom are hereby quashed, on the basis of compromise, *qua* the petitioners only.

02.05.2023

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(GURBIR SINGH)
JUDGEWhether speaking/reasoned
Whether reportableYes/No
Yes/No