

CRM-M-53472-2021

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

245

CRM-M-53472-2021

Date of Decision:23.03.2023.

Gurwinder Singh @ Bunti and others

.....Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Anush Samson, Advocate for
Mr. Vinay Kumar, Advocate
for the petitioners.

Mr. Ravinder Singh, A.A.G., Punjab.

Mr. Sanjeet Singh Tung, Advocate
for the complainant-respondent no.2.

VIKRAM AGGARWAL, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.84 dated 08.11.2021 (Annexure P-1) registered under Sections 420, 406, 506, 120-B IPC, at Police Station Purana Shalla, District Gurdaspur along with all subsequent proceedings arising therefrom on the basis of a compromise (Annexure P-2) arrived at between the petitioners and respondent no.2.

Vide order dated 26.04.2022, a Coordinate Bench of this Court had directed the parties to appear before the trial Court/Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 30.11.2021 (Annexure P-2).

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 26.04.2022 passed by this Court, the parties appeared before the learned Judicial Magistrate, Ist Class, Gurdaspur and as per the report dated 10.05.2022 submitted to this Court, both the parties 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.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 & 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 learned Judicial Magistrate, 1st Class, Gurdaspur accompanied by statements of both the parties, the FIR No.84 dated 08.11.2021 (Annexure P-1) registered under Sections 420, 406, 506, 120-B IPC, at Police Station Purana Shalla, District Gurdaspur, along with all consequential proceedings arising therefrom are hereby quashed *qua* the petitioners.

The present petition stands allowed/disposed of accordingly.

(VIKRAM AGGARWAL)
JUDGE

March 23, 2023
Rekha

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*