

**[248] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.50374 of 2022(O&M)

Date of Decision: 30.01.2023

Hardeep Singh

.... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Sunil Doda, Advocate
for the petitioner.

Mr. Gurpreet Singh Shergill, AAG, Punjab.

Mr. Vishal Sharma, Advocate for respondent No.2.

GURBIR SINGH, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.0119, dated 31.08.2019, under Sections 323, 506, 325, registered at Police Station Mahilpur, District Hoshiarpur, and all subsequent proceedings arising therefrom, on the basis of compromise dated 07.04.2022 (Annexure P-2) effected between the parties.

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 from the Judicial Magistrate, Ist Class, Garhshankar, has been received through the District & Sessions

Judge, Hoshiarpur, with statements of the parties, in which, it has been mentioned that the compromise is genuine and valid and outcome of free consent of the parties and is without coercion from any quarter.

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 learned Judicial Magistrate Ist Class, Garhshankar accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.0119, dated 31.08.2019, under Sections 323, 506, 325, registered at Police Station Mahilpur, District Hoshiarpur, and all subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise dated 07.04.2012(Annexure P-2), qua the petitioner only.

30.01.2023
Anjal

(GURBIR SINGH)
JUDGE

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