

CRM-M-51995-2022

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**240 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-51995-2022

DATE OF DECISION:-09.01.2023

Dilbag Singh and another

...Petitioners.

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. BBS Randhawa, Advocate for the petitioners.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Rahul Kumar Prashar, Advocate for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.0079 dated 03.08.2022, under Sections 452 and 506 IPC, registered at Police Station Rangar Nangal, District Batala along with all consequential proceedings arising out of the same, on the basis of compromise dated 05.08.2022 (Annexure P-2).

2. Vide orders dated 11.11.2022 and 09.12.2022, this Court directed the parties to appear before Illaqa Magistrate/trial Court for getting their statements recorded in terms of certain parameters mentioned therein, with regard to the compromise dated 05.08.2022 (Annexure P-2) arrived at between the parties.

3. In terms of the orderd dated 11.11.2022 and 09.12.2022 passed by this Court, parties appeared before the court of Mr. Rajinder Singh, Judicial Magistrate, Ist Class, Batala and as per report dated 27.12.2022/02.01.2023

submitted to this Court, both the parties got recorded their respective statements in Court.

4. Perusal of the aforesaid report would show that the compromise has been effected between the parties and the same has been found to be genuine and voluntary. As per the report, there is no other accused except the present petitioners and they are not involved in any other FIR. No accused has been declared proclaimed offender. 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.***

5. Thus, in view of the aforesaid report of the learned Judicial Magistrate, Ist Class Batala, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.0079 dated 03.08.2022, under Sections 452 and 506 IPC, registered at Police Station Rangar Nangal, District Batala and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

6. Petition stands disposed of.

09.01.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No