

CRM-M-53572 of 2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-53572 of 2022 (O & M)

Date of decision: 20.03.2023

Avinash Singh and ors.

..... Petitioner(s)

V/s

State of Punjab and ors..

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Manbir Singh Basra, Advocate,
for the petitioner(s).

Ms. Navreet Kaur Barnala, AAG, Punjab.

Mr. Gurnoor Singh, Advocate,
for the respondents No.2 to 7.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No.16 dated 26.04.2016 under Sections 323, 324, 379, 427, 148, 149 IPC and Section 326 IPC (added later on) registered at Police Station Kalanaur, District Gurdaspur and all subsequent proceedings arising therefrom on the basis of compromise dated 30.09.2022 (Annexure P-2).

The learned counsel for the petitioner, at the very outset, submits that he wishes to withdraw the present petition on behalf of the petitioners No.1 and 2.

In view of the above, the present petition is ordered to be dismissed as withdrawn qua the petitioners No.1 and 2.

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Vide order dated 18.11.2022 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 18.11.2022 with regard to the compromise (Annexures P-2).

In terms of the order dated 18.11.2022 passed by this Court, the parties have appeared before the court of Judicial Magistrate Ist Class, Gurdaspur and as per the report dated 21.02.2023 submitted to this Court, both the parties (except petitioners No.1 and 2) 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.***

Further, the learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another,***

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Vs. State of Punjab and another, CRM-M-23739- 2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017, Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019 and Vimal Kalra & others Versus State of Punjab & another, CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR was possible on the basis of a compromise.

Keeping in view the law laid down by this Court in the aforementioned judgments and the report of the Judicial Magistrate Ist Class, Gurdaspur, the FIR No.16 dated 26.04.2016 under Sections 323, 324, 379, 427, 148, 149 IPC and Section 326 IPC (added later on) registered at Police Station Kalanaur, District Gurdaspur alongwith all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioners No.3 to 10 only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 20, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No