

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

262-2

CRM-M 59595 of 2022

Date of Decision: 15.03.2023

Vijay Kumar and Ors.

.....*Petitioners*

Versus

State of Punjab and Ors.

.....*Respondents*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

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

Mr. G.S. Shergill, AAG, Punjab.

Ms. Aanchal Sharma, Advocate
for respondent Nos. 2 to 4.

GURBIR SINGH, J (ORAL)

The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.62 dated 22.03.2019, under Sections 323, 341, 427, 148, 149 and 506 IPC (Section 452 IPC added later on), registered at Police Station Jamalpur, District Police Commissionerate, Ludhiana and all other consequential proceedings arising therefrom on the basis of the compromise.

On asking, learned counsel for respondents No.2 to 4 states that respondent No.9-Rajesh Kumar, is neither complainant nor victim, so his name be deleted from array of respondent.

Request allowed.

Name of respondent No.9 Rajesh Kumar is ordered to be deleted from array of respondent.

Registry to do the needful.

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 learned Judicial Magistrate Ist Class, Ludhiana, has been received through District and Sessions Judge, Ludhiana, with statements of 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 Versus State of Punjab and another”, 2012(4) RCR (Criminal) 543.

In view of aforesaid report of the learned Judicial Magistrate, Ist Class, Ludhiana, accompanied by statement of both the parties, the instant petition is allowed. Consequently, the FIR No.62 dated 22.03.2019, under Sections 323, 341, 427, 148, 149 and 506 IPC (Section 452 IPC added later on), registered at Police Station Jamalpur, District Police Commissionerate, Ludhiana, and all subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise, qua the petitioners only.

(GURBIR SINGH)
JUDGE

15.03.2023

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