

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

CRM-M-53932-2022

Date of Decision: 14.02.2023

ABHISHEK MANCHANDA AND OTHERS

.... Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. A.S. Manaise, Advocate
for the petitioners.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

Mr. Munish Kumar Gulati, Advocate
for respondent No.2.

GURBIR SINGH, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.152, dated 29.10.2022, under Sections 452, 323, 427, 506, 34 of IPC, registered at Police Station Fazilka, and all subsequent proceedings arising therefrom, on the basis of compromise dated 09.11.2022 effected between the parties.

Short reply by way of an affidavit dated 09.02.2023 of Shubeg Singh, PPS, Deputy Superintendent of Police, Sub-Division, Fazilka on behalf of the respondent-State has been filed in the Court and the same is taken on record.

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 Chief Judicial

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Magistrate, Fazilka has been received through the District & Sessions Judge, Fazilka, 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 Chief Judicial Magistrate, Fazilka accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.152, dated 29.10.2022, under Sections 452, 323, 427, 506, 34 of IPC, registered at Police Station Fazilka, and all subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise dated 09.11.2022, qua the petitioners only.

14.02.2023
pchawla/raman

(GURBIR SINGH)
JUDGE

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