

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

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CRM-M-56191-2022

Date of decision: 02.03.2023

SATPAL AND ORS

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Ms. Pinki Mehla, Advocate
for the petitioners.

Mr. R.S. Nain, DAG, Haryana.

Mr. Nisha Rana, Advocate for
Mr. Pawan Attri, Advocate
for respondents No.2 and 3.

GURBIR SINGH, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.0256, dated 11.12.2020, under Sections 323, 34, 350, 506 of IPC (later 350 removed and challan presented under Section 352 IPC) registered at Police Station Siwan District Kaithal (Annexure P-1) and all criminal proceedings arising therefrom, on the basis of compromise dated 27.10.2022, 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 dated 18.01.2023 from the Judicial Magistrate Ist Class, Guhla, District Kaithal has been received

through the District & Sessions Judge, Kaithal, with statements of the parties, in which, it has been mentioned that the compromise is genuine, voluntary and without any coercion or undue influence.

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.

On asking, the statement of Harjinder Singh has not been recorded, learned counsel for the petitioners states that he has since died and in this context, death certificate has been appended as Annexure P-5 with the petition.

In view of the aforesaid report of the Judicial Magistrate Ist Class, Guhla, District Kaithal accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.0256, dated 11.12.2020, under Sections 323, 34, 350, 506 of IPC (later 350 removed and challan presented under Section 352 IPC) registered at Police Station Siwan District Kaithal (Annexure P-1) and all consequential proceedings arising therefrom are hereby quashed, on the basis of compromise dated 27.10.2022, *qua* the petitioners only.

(GURBIR SINGH)
JUDGE

02.03.2023
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