

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

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CRM-M-56840-2022
Date of decision:28.02.2023

AMIT KOMAL

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Naresh Chander, Advocate
for the petitioner.

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

Mr. Kirpal Singh, Advocate for
Mr. Shiv Charan Bhola, Advocate
for respondent No.2.

GURBIR SINGH, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.55, dated 23.03.2018 (Annexure P-1), under Sections 341, 323 of IPC, registered at Police Station City Kharar, SAS Nagar Punjab and all subsequent proceedings arising therefrom, on the basis of compromise dated 07.10.2022, 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 27.01.2023 from the Judicial Magistrate Ist Class, Kharar has been received through the District & Sessions

Judge, SAS Nagar (Mohali), 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.

In view of the aforesaid report of the Judicial Magistrate Ist Class, Kharar accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.55, dated 23.03.2018 (Annexure P-1), under Sections 341, 323 of IPC, registered at Police Station City Kharar, SAS Nagar Punjab and all consequential proceedings arising therefrom are hereby quashed, on the basis of compromise dated 07.10.2022, qua the petitioner only.

(GURBIR SINGH)
JUDGE

28.02.2023
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No