

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

280

CRM-M-58800-2022

Date of decision: 16.05.2023

HARMAIL SINGH AND OTHERS

...PETITIONER(S)

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Ms. Amarjot Kaur, Advocate for
Mr. B.S. Bhalla, Advocate
for the petitioners.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

Mr. Shivenderpal Singh, 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.44, dated 26.03.2022 under Sections 324, 148 and 149 (later on added 323 and 452) of IPC registered at Police Station Baghapurana, District Moga (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 09.04.2022 (Annexure P-2), 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 04.02.2023 from the Sub Divisional Judicial Magistrate, Baghapurana has been received through the District & Sessions Judge Moga, 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 Sub Divisional Judicial Magistrate, Baghapurana accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.44, dated 26.03.2022 under Sections 324, 148 and 149 (later on added 323 and 452) of IPC registered at Police Station Baghapurana, District Moga (Annexure P-1) and all consequential proceedings arising therefrom are hereby quashed, on the basis of compromise dated 09.04.2022 (Annexure P-2), qua the petitioners only.

(GURBIR SINGH)
JUDGE

16.05.2023
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Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No