

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

246

CRM-M-59684-2022

Date of decision: 01.03.2023

AMARDEEP SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Vaneet Kumar Sharma, Advocate
for the petitioner.

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

Mr. Saurabh 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.0120, dated 12.05.2021, under Sections 406, 420 and 120-B of IPC registered at Police Station Model Town, District Ludhiana (Annexure P-1) qua petitioner and all subsequent proceedings arising therefrom, on the basis of compromise dated 19.05.2022 (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 30.01.2023 from the Civil Judge JR. Division-cum-Judicial Magistrate Ist Class, Ludhiana has been received through the District & Sessions Judge, Ludhiana, with statements of the parties, in which, it has been mentioned that the compromise is genuine, voluntary and with their free will 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, learned counsel for the petitioner submits that Complainant-Hemant Kumar had suffered a statement to the effect that he had compromised the matter with Amardeep Singh, petitioner only and out of the two accused, only accused Amardeep Singh was arrested and the same was on bail whereas other accused Sukhpal Singh has not been arrested so far despite issuance of arrest warrant.

A perusal of the report reveals that the FIR in question was registered against Amardeep Singh (Petitioner) and Sukhpal Singh.

In view of the aforesaid report of the Civil Judge JR. Division-cum-Judicial Magistrate Ist Class, Ludhiana accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.0120, dated 12.05.2021, under Sections 406, 420 and 120-B of IPC registered at Police Station Model Town, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise dated 19.05.2022 (Annexure P-2), *qua* the petitioner only.

(GURBIR SINGH)
JUDGE

01.03.2023

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Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No