

CRM-M-2135 of 2023 (O & M)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M- 2135 of 2023 (O & M)

Date of decision: 03.05.2023

Kuldeep

..... Petitioner(s)

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Ruby Kaur, Advocate, for the petitioner(s).

Mr. Sanish Girdhar, AAG, Punjab.

Ms. Navneet Kaur, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No.71 dated 10.11.2017 under Sections 406, 120-B IPC registered at Police Station Garhdiwal, District Hoshiarpur (Annexure P-1) and the order dated 20.12.2019 (Annexure P-3) whereby the petitioner was declared a proclaimed person and all subsequent proceedings arising therefrom on the basis of a compromise dated 26.02.2020 (Annexure P-2).

Vide order dated 17.01.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 17.01.2023 with regard to the compromise (Annexure P-2).

In terms of the order dated 17.01.2023 passed by this Court

CRM-M-2135 of 2023 (O & M)

::2::

Dasuya, Distt. Hoshiarpur and as per the report dated 24.02.2023 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. In view of the compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.PC 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 & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

Further, the learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739- 2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017, Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019 and Vimal Kalra & others Versus State of Punjab & another, CRMM-20355-2022, decided on***

CRM-M-2135 of 2023 (O & M)

::3::

25.07.2022 submits that partial quashing of the FIR was possible on the basis of a compromise.

Keeping in view the law laid down by this Court in the aforementioned judgments and the report of the Judicial Magistrate Ist Class, Dasuya, dated 24.02.2023 and also the fact that the accused/petitioner-Kuldeep has appeared in the Court and got his statement recorded qua the compromise and the compromise dated 26.02.2020 (Annexure P-2) accepted by the complainant, the FIR No. 71 dated 10.11.2017 under Sections 406, 120-B IPC registered at Police Station Garhdiwal, District Hoshiarpur (Annexure P-1) and the order dated 20.12.2019 (Annexure P-3) whereby the petitioner was declared a proclaimed person all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioner only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 03, 2023
sukhpreet

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