

2023:PHHC:079617

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

CRM-M-3195-2020
Date of Decision : 31.05.2023
..... Petitioners

Rahul Sahni @ Mohit and others

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Naveen Sharma, Advocate
for the petitioners.

Mr. Dhruv Dayal, Addl. A.G., Punjab
for respondent No.1-State.

Mr. S.K.Bawa, Advocate
for respondent No.2.

VIKRAM AGGARWAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.243 dated 28.10.2019, registered under Sections 325, 427, 506 IPC and Section 27 of the Arms Act, at Police Station Haibowal, District Police Commissionerate, Ludhiana along with all subsequent proceedings arising therefrom on the basis of a compromise and affidavit dated 09.12.2019 (Annexures P-2 and P-3) arrived at between the petitioners and respondent No.2.

2. Vide order dated 24.01.2020, a Coordinate Bench of this Court had directed the parties to appear before the trial Court/Area Magistrate for getting their statements recorded with regard to the compromise dated 09.12.2019 (Annexure P-2).

3. The trial Court/Area Magistrate was to submit a report in this

regard giving certain details as enumerated in the said order.

4. Pursuant to the order dated 24.01.2020 passed by this Court, the parties appeared before the Judicial Magistrate First Class, Ludhiana and as per the report dated 07.03.2020 submitted to this Court, both the parties got their respective statements recorded in Court.

5. 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. The powers under Section 482 Cr.PC can be exercised in such like situations 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*”.

6. In view of the aforesaid report of the Judicial Magistrate First Class, Ludhiana accompanied by statements of both the parties, the present petition is allowed and the FIR No.243 dated 28.10.2019, registered under Sections 325, 427, 506 IPC and Section 27 of the Arms Act, at Police Station Haibowal, District Police Commissionerate, Ludhiana and all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

(VIKRAM AGGARWAL)
JUDGE

31.05.2023

mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No