

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54135-2019
DATE OF DECISION:-10.01.2023

Harkamalpreet Singh and others

...Petitioners.

VS.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Surinder Thakur, Advocate for the petitioners.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Nitin Verma, Advocate, for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.139 dated 25.07.2006, under Sections 326, 324, 34 IPC, registered at Police Station Haryana, District Hoshiarpur, Punjab, along with all consequential proceedings arising out of the same, on the basis of compromise dated 13.12.2019 (Annexure P-2).

2. Vide order dated 30.01.2020, this Court directed the parties to appear before Illaqa Magistrate/trial Court for getting their statements recorded in terms of certain parameters mentioned therein, with regard to the compromise dated 13.12.2019 (Annexure P-2) arrived at between the parties.

3. In terms of the order dated 30.01.2020 passed by this Court, parties appeared before the court of Ms. Gurpreet Kaur, Judicial Magistrate 1st Class, District Hoshiarpur and as per report dated 29.04.2021 submitted to this Court, both the parties got recorded their respective statements in

Court.

4. Perusal of the aforesaid report would show that the compromise effected between the parties is genuine and is not the result of any pressure or coercion. As per the report, there is no other accused except the present petitioners. No accused has been declared proclaimed offender. 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.*

5. Thus, in view of the aforesaid report of the learned Judicial Magistrate 1st Class, Hoshiarpur, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.139 dated 25.07.2006, under Sections 326, 324, 34 IPC, registered at Police Station Hariana, District Hoshiarpur, Punjab, and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

6. Petition stands disposed of.

10.01.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No