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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(291)

CRM-M-11390 of 2024 (O & M)
Date of decision: 23.07.2024

Harsh Kumar @ Aman and anr. Petitioner(s)
V/s
State of U.T., Chandigarh and anr. ...Respondents

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Kaith, Advocate,
for the petitioner(s).

Mr.Manish Bansal, PP, U.T., Chandigarh
and Mr. Navjit Singh, Advocate,
for respondent No.1-U.T., Chandigarh.

Mr. Gurcharan Singh Kaushal, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No. 186 dated 17.11.2023 under Sections 324, 326, 34 and 506 IPC registered at Police Station Sector 39, Chandigarh and all subsequent proceedings arising therefrom on the basis of compromise dated 29.01.2024 (Annexure P-2).

Vide order dated 04.03.2024 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 04.03.2024 with regard to the compromise (Annexure P-2).



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In terms of the order dated 04.03.2024 passed by this Court parties i.e. petitioner No.1-Harsh Kumar @ Aman and the complainant-Nitin Kumar have appeared before the court of Judicial Magistrate Ist Class, Chandigarh and as per the report dated 07.06.2024 submitted to this Court, both the aforesaid parties have got recorded their respective statements in Court. Thereafter, on 22.04.2024, petitioner No.2-Sidhant Kumar (juvenile) and the complainant-Nitin Kumar appeared before the Juvenile Justice Board, Chandigarh and got recorded their statements recorded with respect to a compromise (Annexure P-2). A report of the Juvenile Justice Board dated 01.05.2024 is already on record.

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.***

In view of the the report of the Judicial Magistrate Ist Class, Chandigarh dated 07.06.2024 and the report of the Juvenile Justice Board, Chandigarh dated 01.05.2024, accompanied by the joint statement of both



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and 506 IPC registered at Police Station Sector 39, Chandigarh and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 23, 2024
sukhpreet

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