

2024.PHHC:105082



CRM-M-16053 of 2024 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(292)

CRM-M-16053 of 2024 (O & M)
Date of decision: 13.08.2024

Deepak Kumar

..... Petitioner(s)

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Harpal Singh Parmar, Advocate,
for Om Pal Sharma, Advocate, Advocate,
for the petitioner(s).

Mr. Sukh Sandesh Singh Chahal, AAG, Punjab.

Mr. Saurabh Chauhan, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No. 0098 dated 11.11.2023 under Sections 409 IPC registered at Police Station Division No.4, Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 24.12.2023 (Annexure P-2).

Vide order dated 03.04.2024, 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 03.04.2024 with regard to the compromise (Annexure P-2).

In terms of the order dated 03.04.2024 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class,



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Ludhiana and as per the report dated 23.05.2024 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.***

In view of the aforesaid report of the Judicial Magistrate Ist Ludhiana, Chandigarh, accompanied by the joint statement of both the parties, the present FIR No. 0098 dated 11.11.2023 under Sections 409 IPC registered at Police Station Division No.4, Ludhiana, and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 13, 2024
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No