

2024:PHHC:105071



CRM-M-31900 of 2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(287-a)

CRM-M-31900 of 2023 (O & M)
Date of decision: 13.08.2024

Sandeep Kumar and ors.

..... Petitioner(s)

V/s

State of U.T., Chandigarh and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amandeep Vashisth, Advocate, for the petitioner(s).

Mr. Rajeev Anand, Add.P.P., for respondent No.1.

Mr. G.S. Gopera, Advocate,
for Ms. Ekta Sharma, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No. 251 dated 19.08.2016 under Section 420 IPC registered at Police Station Sector 39, Chandigarh and all subsequent proceedings arising therefrom on the basis of compromise dated 31.05.2023 (Annexure P-2).

Vide order dated 07.07.2023 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 07.07.2023 with regard to the compromise (Annexure P-2).

In terms of the order dated 07.07.2023 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class, Chandigarh and as per the report dated 23.10.2023 submitted to this Court, both the parties have got recorded their respective statements in Court.

Even otherwise, the order dated 24.11.2022 whereby the petitioners were



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declared proclaimed persons in this FIR and the consequential proceedings arising therefrom stand quashed vide order of even date passed in CRM-M-24795-2023 titled as ‘Sandeep Kumar and ors. Versus State of U.T., Chandigarh’.

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 Class, Chandigarh, accompanied by the joint statement of both the parties, the present FIR No. 251 dated 19.08.2016 under Section 420 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

August 13, 2024
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No