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2024:PHHC:005643

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35041-2023

Date of decision :16.01.2024

SHASHI KUMAR ALIAS LUCKY

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. M.K. Bhatnagar, Advocate
for the petitioner(s).

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

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

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.100 dated 08.05.2021 (Annexure P-1) registered under Sections 420, 406, 34 IPC and Section 24 of Immigration Act at Police Station Tanda, District Hoshiarpur along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the petitioner and respondent no.2.

Vide order dated 24.07.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 28.06.2023 (P-2).

The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 24.07.2023 passed by this Court, the parties have appeared before the Chief Judicial Magistrate-cum-Secretary, DLSA, Hoshiarpur and as per the report dated

16.11.2023 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”***.

Further, the learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589** and this Court in **Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739-2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017, Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019** and **Vimal Kalra & others Versus State of Punjab & another, CRM-M-20355-2022, decided on 25.07.2022** submits that partial quashing of the FIR was possible on the basis of a compromise.

In view of the aforesaid report of the Chief Judicial Magistrate-cum-Secretary, DLSA, Hoshiarpur accompanied by statements of both the parties, the FIR No.100 dated 08.05.2021 (Annexure P-1) registered under Sections 420, 406, 34 IPC and Section 24 of Immigration Act at Police Station Tanda, District Hoshiarpur along with all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

16.01.2024
JITESH

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