

263

2024:PHHC:007761

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38919-2023

Date of decision :20.01.2024

SHIV INDER SINGH @ SHIV AND OTHERS

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ajay Paul Singh, Advocate for
Mr. TPS Makkar, Advocate
for the petitioner(s).

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Munish Raj Chaudhary, Advocate for
Mr. Satnam Singh, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.0184 dated 20.08.2022 (Annexure P-1) registered under Sections 323, 324, 341, 506, 148, 149 IPC (Section 326 IPC added later on) at Police Station City Kapurthala, District Kapurthala 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 10.08.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 28.07.2023 (P-3).

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 10.08.2023 passed by this Court, the parties have appeared before the Chief Judicial Magistrate, Kapurthala and as per the report dated 20.11.2023 submitted to this

CRM-M-38919-2023

-2-

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 Chief Judicial Magistrate, Kapurthala accompanied by statements of both the parties, the FIR No.0184 dated 20.08.2022 (Annexure P-1) registered under Sections 323, 324, 341, 506, 148, 149 IPC (Section 326 IPC added later on) at Police Station City Kapurthala, District Kapurthala along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.01.2024
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No