

327 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42618-2023

Date of decision: February 06, 2024

Gurjit Singh Bahl

..... Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amandeep Singh Sidhu, Advocate for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Gurjant Singh, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.40 dated 20.02.2021 under Section 420 IPC registered at Police Station City Phagwara, District Kapurthala, Punjab and all other consequential proceedings arising therefrom on the basis of compromise dated 12.03.2021 (Annexure P-2) entered into between the parties.

Vide order dated 28.08.2023, this Court had directed the parties to appear before the Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 12.03.2021 (Annexure P-2) and 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 18.08.2023 passed by this Court, parties have appeared before the Court of the Sub Divisional Judicial Magistrate, Phagwara and as per its report dated 15.11.2023 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.***

In view of the aforesaid report of the Sub Divisional Judicial Magistrate, Phagwara accompanied by the joint statements of both the parties, the present FIR No.40 dated 20.02.2021 under Section 420 IPC registered at Police Station City Phagwara, District Kapurthala, Punjab and all other consequential proceedings arising therefrom on the basis of compromise dated 12.03.2021 (Annexure P-2) entered into between the parties, are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 06, 2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No