

122

2024:PHHC:046229

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-13308-2024 in

CRM-M-42978-2023

Date of decision :05.04.2024

SANJAY MALIK

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. B.D. Sharma, Advocate
for the petitioner(s).

Ms. Ramta K Chaudhary, DAG, Punjab.

Mr. Lalit Chander Sharma, Advocate
for respondent Nos.2 to 4.

JASJIT SINGH BEDI, J. (ORAL)

CRM-13308-2024

The present application has been filed by the applicant-petitioner for restoration of the main petition.

For the reasons mentioned in the application, the same is allowed and the main case is restored to its original number and take up for hearing today itself.

CRM-M-42978-2023

The prayer in this petition is for quashing of an FIR No.109 dated 03.09.2022 (Annexure P-1) registered under Sections 353/186/427 IPC, 1860 at Police Station Division D, District Police Commissionerate, Amritsar along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide orders dated 29.08.2023/30.10.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 15.10.2022 (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 orders dated 29.08.2023/30.10.2023 passed by this Court, the parties have appeared before the learned Judicial

Magistrate, 1st Class, Amritsar and as per the report dated 07.03.2024 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 learned Judicial Magistrate, 1st Class, Amritsar accompanied by statements of both the parties, the FIR No.109 dated 03.09.2022 (Annexure P-1) registered under Sections 353/186/427 IPC, 1860 at Police Station Division D, District Police Commissionerate, Amritsar along with all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

05.04.2024
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No