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2024:PHHC:030755

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52413-2023

Date of decision :04.03.2024

SULEMAN AND OTHERS

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. M.S. Sidhu, Advocate for
Mr. H.S. Bhogal, Advocate
for the petitioner(s).

Mr. Mohit Saroha, Asstt. A.G., Punjab.

Mr. Vikas Sharma, Advocate
for respondent Nos.2 & 3.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.30 dated 16.04.2023 (Annexure P-1) registered under Sections 452, 324, 323, 148, 149 IPC and Sections 458, 326, 460 IPC (added later on) at Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 16.10.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 03.10.2023 (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 16.10.2023 passed by this Court, the parties have appeared before the Chief Judicial Magistrate, SBS Nagar and as per the report dated 19.12.2023 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 Chief Judicial Magistrate, SBS Nagar accompanied by statements of both the parties, the FIR No.30 dated 16.04.2023 (Annexure P-1) registered under Sections 452, 324, 323, 148, 149 IPC and Sections 458, 326, 460 IPC (added later on) at Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

04.03.2024
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No