

CRM-M-53042 of 2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(295)

CRM-M- 53042 of 2023 (O & M)
Date of decision: 11.03.2024

Kirpal Singh Petitioner(s)
V/s

State of Punjab and ors.
...Respondents

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Raman Kumar, Advocate,
for the petitioner(s).

Mr. Mohit Saroha, AAG, Punjab.

Ms. Kulwinder Kaur, Advocate,
for the for respondents No.2 to 4.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No. 36 dated 16.02.2017 under Sections 279, 337, 338, 429 IPC registered at Police Station Sadar Jagraon, District Ludhiana Rural, Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 13.10.2023 (Annexure P-2).

Vide order dated 18.10.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 18.10.2023 with regard to the compromise (Annexure P-2).

In terms of the order dated 18.10.2023 passed by this Court parties have appeared before the court of Sub Divisional Judicial Magistrate,

CRM-M-53042 of 2023 (O & M) ::2::

Jagraon and as per the report dated 20.01.2024 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 Sub Divisional Judicial Magistrate, Jagraon, , accompanied by the joint statement of both the parties, the present FIR No. 36 dated 16.02.2017 under Sections 279, 337, 338 and 429 IPC registered at Police Station Sadar Jagraon, District Ludhiana Rural, Ludhiana and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 11, 2024
sukhpreet

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