

2024:PHHC: 032301

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-59563-2023

Date of decision: 06.03.2024

GURMIT SINGH @ GURMIT MASIH & ORS ... PETITIONER(S)
VERSUS
STATE OF PUNJAB AND ANOTHER ...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ritesh Pandey, Advocate
for the petitioner(s).

Mr. Mohit Saroha, AAG, Punjab.

Mr. Satveer, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of an FIR No.164 dated 14.09.2018 (Annexure P-1) registered under Sections 363, 447, 120-B of the IPC, 1860 at Police Station City Batala, District Batala 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 28.11.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 01.11.2023.

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 28.11.2023 passed by this Court, the parties have appeared before the learned Additional Civil Judge (Senior Division)-Cum-Sub Divisional Judicial Magistrate, Batala and as per the report

dated 14.02.2024 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 complaint 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 Additional Civil Judge (Senior Division)-Cum-Sub Divisional Judicial Magistrate, Batala accompanied by statements of both the parties, the FIR No.164 dated 14.09.2018 (Annexure P-1) registered under Sections 363, 447, 120-B of the IPC, 1860 at Police Station City Batala, District Batala along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

06.03.2024
Kusum

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No