

CRM-M-4397-2023

#1#

2023:PHHC:139049

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-4397-2023

Date of Decision:-31.10.2023

Gurjit Singh @ Surjit Singh & Ors.

.....Petitioner.

Vs.

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Kuldeep Singh Siwach, Advocate for the Petitioners.

Mr. Harkanwar Jeet Singh, AAG Punjab.

Mr. Rajednder Kumar, Advocate for
Mr. Mohd. Yousuf, Advocate for the respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition is for quashing of FIR No.128 dated 13.11.2020 (Annexure P-1) under Sections 323, 324, 341, 34 IPC (Offence under Section 326 IPC added later on) registered at P.S. City Nakodar, District Jalandhar and all consequential proceedings arising therefrom on the basis of compromise dated 11.01.2023 (Annexure P-2) arrived at between the parties.

Vide order dated 27.01.2023 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 27.01.2023 with regard to the compromise dated 11.01.2023 (Annexure P-2).

In terms of the order dated 27.01.2023 passed by this Court parties have appeared before the court of Ms. Baljinder Kaur Mann, Sub

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Divisional Judicial Magistrate, Nakodar and as per report dated 24.02.2023 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***".

Further, the learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739-2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017, Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019 and Vimal Kalra & others Versus State of Punjab & another, CRM-M-20355-2022, decided on 25.07.2022*** submits that partial quashing of the FIR was possible on the basis of a compromise.

In view of the aforesaid report of the learned Sub Divisional

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Judicial Magistrate, Nakodar accompanied by statements of both the parties, the FIR No.128 dated 13.11.2020 (Annexure P-1) under Sections 323, 324, 341, 34 IPC (Offence under Section 326 IPC added later on) registered at P.S. City Nakodar, District Jalandhar and all consequential proceedings arising therefrom are hereby quashed qua the petitioners only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 31, 2023

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>