

213

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision:23.09.2021

1. CRM-M No.19458 of 2021(O&M)

Indianjeet Singh and another

.....**Petitioners**

Vs

State of Punjab and another

.....**Respondents**

2. CRM-M No.7885 of 2021(O&M)

Indianjeet Singh

.....**Petitioner**

Vs

State of Punjab

.....**Respondent**

3. CRM-M No.9915 of 2021(O&M)

Sukhvir Singh @ Sukhbir Singh

.....**Petitioner**

Vs

State of Punjab

.....**Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Vikas Gupta, Advocate
for the petitioner(s).

Mr. C.L. Pawar, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

[1]. The cases have been taken up for hearing through video conferencing.

[2]. Vide this common order, CRM-M No.19458 of 2021 titled Indianjeet Singh and another Vs. State of Punjab and another, CRM-M No.7885 of 2021 titled Indianjeet Singh Vs. State of Punjab and CRM-M No.9915 of 2021 titled Sukhvir Singh @ Sukhbir Singh are being disposed of. Common facts are being noticed.

[3]. In CRM-M No.19458 of 2021, prayer is for quashing of FIR No.2 dated 20.01.2021 registered under Sections 323, 324, 326, 148, 149 IPC at Police Station Verowal, District Tarn Taran as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[4]. In CRM-M Nos.7885 and 9915 of 2021, prayer is for grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.2 dated 20.01.2021 registered under Sections 323, 324, 326, 148, 149 IPC at Police Station Verowal, District Tarn Taran.

[5]. Vide order dated 01.07.2021 passed in CRM-M No.19458 of 2021, notice of motion was issued and in the

meanwhile, parties were directed to appear before the Illaqa Magistrate on 12.07.2021 for recording their statements in the context of genuineness of the compromise in question.

[6]. In compliance of said order, the petitioners have appeared before SDJM, Khadur Sahib and have made the statements. SDJM has recorded the statements of the petitioners separately in the context of voluntary nature of the compromise. At the same time, the Court has also recorded the statement of respondent No.2 Gagandeep Singh @ Gurwinder Singh in the context of genuineness of the compromise. Both the parties have stated before the Court that the compromise is genuine and the same is the result of free Will, without any pressure or coercion and undue influence. The complainant pleaded no objection if the FIR is quashed on the basis of compromise. Statement of Investigating Officer i.e ASI Amarjit Singh was also recorded by the Court to the effect that the petitioners have not been declared proclaimed person or offender in any manner, nor they are involved in any other criminal case.

[7]. In the opinion of SDJM, Khadur Sahib, the compromise is genuine, voluntary, without any coercion or undue influence and the same is the result of free Will, of the parties.

[8]. Perusal of the aforesaid report would show that the

parties have effected genuine compromise without there being any pressure, coercion or undue influence. In view of compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.P.C 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 in fully consonance with the direction issued by the Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543.**

[9]. Learned State counsel has objected to the aforesaid course, but in the interest of justice and also to prevent unnecessary continuation of criminal proceedings, I am of the view that inherent powers under Section 482 Cr.P.C can be exercised in order to achieve ends of justice.

[10]. Resultantly, FIR No.2 dated 20.01.2021 registered under Sections 323, 324, 326, 148, 149 IPC at Police Station Verowal, District Tarn Taran as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[11]. Since FIR itself is quashed on the basis of compromise, therefore, CRM-M No.7885 of 2021 and CRM-M No.9915 of

2021 are rendered infructuous. Ordered accordingly.

23.09.2021
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No