

230-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.25756 of 2020 (O&M)

Date of Decision: 22.03.2021

AMRIK SINGH AND ORS

.....Petitioners

Vs

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vinay Puri Advocate
for the petitioners.

Mr. Harsimar Singh Sitta, A.A.G., Punjab.

Mr. Puneet Singla, Advocate
for respondent No.4/complainant.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.37 dated 18.05.2020 registered under Sections 452, 323, 324, 148, 149 IPC at Police Station Singh Bhagwantpur District Rupnagar along with all the subsequent proceedings arising therefrom, on the basis of compromise.

[2]. Notice of motion was issued on 10.02.2021 and the parties were directed to appear before the *Ilqa* Magistrate/trial Court on 19.02.2021 for recording their statements in respect of genuineness of the compromise in question.

[3]. In compliance of the aforesaid order, a report has been received from the Civil Judge (Junior Division)-cum-JMIC, Rupnagar. The same reads as under:-

"It is humbly submitted that vide order dated 10.02.2021 passed in CRM-M-25756-2020, by the Hon'ble Punjab and Haryana High Court, Chandigarh, the parties in FIR No.37 dated 18.05.2020 registered at Police Station Singh Bhagwantpur, District Rupnagar, under Sections 452, 323, 324, 148 and 149 IPC, were directed to appear before the trial court/Ilalaqa Magistrate on 19.02.2021 or any other date convenient to the trial court/Ilalaqa Magistrate to get their statements recorded regarding the compromise and after recording their statements, the trial court/Ilalaqa Magistrate was directed to send the report regarding the genuineness of the compromise as to whether the compromise has been effected between the parties without any undue influence or coercion on or before the date fixed i.e. 22.03.2021.

2. *It is submitted that as per the directions of the Hon'ble Punjab and Haryana High Court, Chandigarh, the parties appeared in the court on 22.02.2021. Complainant Jatinder Singh s/o Jasmer Singh made a statement in the court as under:*

"Stated that I had got FIR No.37 dated 18.05.2020 under Sections 452, 323, 324, 148 and 149 IPC, PS Singh Bhagwantpur, District Rupnagar, registered against accused Amrik Singh, Mandeep Singh @ Manna, Jaswinder Singh, Gurwinder Singh @ Gurbinder Singh @ Gindu and Jagdeep Singh Gill @ Deepi. I have compromised the matter with all the accused vide a written compromise before the Gram Panchayat of village Sotal

Baba in the presence of respectable persons. Copy of the said compromise is Annexure A and I identify my signatures on the same at point A. The compromise has been entered into by me voluntarily, out of my own free will and without any pressure, threat or coercion or undue influence. The compromise is genuine. I do not want to proceed against the above named accused. I have no objection if the above noted FIR is quashed qua all the accused.”

3. *Accused Amrik Singh, Mandeep Singh @ Manna, Jaswinder Singh, Gurwinder Singh @ Gurbinder Singh @ Gindu and Jagdeep Singh Gill @ Deepi made a joint statement as under:*

“Stated that Jatinder Singh had got FIR No.37 dated 18.05.2020 under Sections 452, 323, 324, 148 and 149 IPC, PS Singh Bhagwantpur, District Rupnagar, registered against us. We have compromised the matter with complainant Jatinder Singh vide a written compromise before the Gram Panchayat of Village Sotal Baba in the presence of respectable persons. Copy of the said compromise is Annexure A and we identify our signatures on the same at Points B to F. The compromise has been entered into by us voluntarily, out of our own free will and without any pressure, threat or coercion or undue influence. The compromise is genuine. The FIR may kindly be quashed.”

4. *In view of the above said statements, it appears to the undersigned that the compromise is genuine and valid and has been entered into voluntarily, out of the free will of the parties and without any pressure, threat or coercion or undue influence.*

5. *This report is being submitted in compliance with the aforesaid order of the Hon'ble High Court dated*

10.02.2021 passed in CRM-M-25756-2020. Statements of all the concerned parties recorded in the Court are also being sent herewith in original, along with a photocopy of the compromise entered into between the parties, for the kind perusal of the Hon'ble High Court"

[4]. 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.**

[5]. 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.

[6]. Resultantly, FIR No.37 dated 18.05.2020 registered

under Sections 452, 323, 324, 148, 149 IPC at Police Station Singh Bhagwantpur District Rupnagar, as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

March 22, 2021
Atik

(RAJ MOHAN SINGH)
JUDGE

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