

228-2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24175 of 2020
Date of Decision: 22.01.2021

ARSHPREET SINGH AND ANR

.....Petitioners

Vs

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Arjun Singh Yadav, Advocate
for the petitioners.

Ms. Monika Jalota, D.A.G., Punjab.

Mr. Gurmeet Singh, Advocate
for respondents No.6 and 7.

RAJ MOHAN SINGH, J. (Oral)

[1] The case has been taken up for hearing through video conferencing.

[2]. Prayer in this petition is for quashing of DDR No.31 dated 01.07.2020 (cross-case) in FIR No.0041 dated 30.06.2020 registered under Sections 323, 324, 325, 148, 149, 427 IPC at Police Station Maloud, District Khanna, on the basis of compromise.

[3]. Vide order dated 25.08.2020, parties were directed to

appear before the Illaqa Magistrate/trial Court for recording their statements in respect of genuineness of the compromise in question.

[4]. In compliance of the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Payal, District Ludhiana on 17.09.2020 for recording their statements in the context of genuineness of the compromise. A report dated 20.10.2020 has been received from the Judicial Magistrate Ist Class, Payal, District Ludhiana. The relevant part of the report reads as under:-

“1. The present DDR No.31 dated 01.07.2020 (Cross case) in FIR no.41 dated 30.06.2020 was registered against Arshpreet Singh and Hardeep Singh.

2. None of the accused in the afore mentioned case has been declared as proclaimed person/offender.

3. The compromise is genuine and has been effected between the parties voluntarily, without any undue influence or coercion.

4. The parties have also furnished their affidavits wherein they have deposed that there is no criminal case or FIR registered against them except the present case.

5. As per the statement of the Investigating Officer, there is only one complainant in this case namely Harmeet Singh.

Report is submitted as desired, please.

Thanking you.”

[5]. In view of report submitted by the Judicial Magistrate Ist Class, Payal, District Ludhiana, this Court is of the firm opinion that in view of compromise between the parties, there would be remote and negligible chances of the witnesses coming forward to depose in favour of the prosecution version. There would be remote chances of conviction, therefore, in order to put an end to the controversy for all times to come, exercise of inherent powers under Section 482 Cr.P.C would be in the interest of justice to facilitate both the parties to arrive at peaceful resolution of the dispute and also to maintain public tranquility in the area. The offence is personal in nature and the same does not involve any mental depravity and also does not involve any offence under Prevention of Corruption Act. In such situation, exercise of inherent jurisdiction in terms of Section 482 Cr.P.C would be in consonance with the requirement of law to meet ends of justice and to prevent unnecessary continuation of criminal proceedings, which would ultimately result in vacuum. Powers under Section 482 Cr.P.C can be exercised 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.

[6]. 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.

[7]. Resultantly, DDR No.31 dated 01.07.2020 (cross-case) in FIR No.0041 dated 30.06.2020 registered under Sections 323, 324, 325, 148, 149, 427 IPC at Police Station Maloud, District Khanna as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

January 22, 2021
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No