

223-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.26812 of 2020
Date of Decision: 11.01.2021

KAPIL KUMAR AND ORS

.....Petitioners

Vs

STATE OF PUNJAB AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. L.S. Lakhanpal, Advocate for
Mr. Jagdish Singh Mahal, Advocate
for the petitioners.

Mr. Sarabjit Singh, Asstt. A.G., Punjab.

Mr. Manjinder Singh Bajwa, Advocate
for respondents No.2 to 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.48 dated 30.06.2020 under Sections 323, 324, 326, 148, 149 IPC in FIR No.0093 dated 30.06.2020 registered under Sections 452, 323, 148, 149, 341 IPC (Section 326 IPC added later on) at Police Station Sultanwind, District Amritsar, on the basis of compromise.

[3]. Vide order dated 28.10.2020, parties were directed to appear before the Illaqa Magistrate/Duty 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, Amritsar on 19.11.2020 for recording their statements in the context of genuineness of the compromise. A report dated 24.12.2020 has been received from the Judicial Magistrate Ist Class, Amritsar. The same reads as under:-

"I have the honour to submit that in compliance to the order dated 28.10.2020 passed by Hon'ble Punjab & Haryana High Court, Chandigarh in CRM-M-26812-2020, complainant Daljit Singh alias Jeetu, victims Mukhtiar Singh, Taru, Harwinder Singh alias Ladi, Avtar Singh alias Ghuddu and Shamsher Singh alias Shera and accused persons namely Kapil Kumar, Vikram Singh alias Vicky, Gurpreet Singh alias Gopi, Azadbir Singh, Talwinder Singh alias Nona and Jagtar Singh alias Lalo appeared in this Court on 19.11.2020 and their statements regarding compromise have been recorded separately. In their statements, complainant/victims submitted that the DDR No.48/30.6.2020 in FIR No.93 dated 30.6.2020 under Sections 323, 324 326, 148, 149 IPC was registered at Police Station Sultanwind, Amritsar on the basis of statements of complainant/victims against said six accused persons and now the matter has been compromised with the intervention of respectable persons.

Complainant/victims further stated that they have no objection if the aforesaid DDR/FIR be quashed. Statements of accused persons namely Kapil Kumar, Vikram Singh alias Vicky, Gurpeet Singh alias Gopi, Azadbir Singh, Talwinder Singh alias Nona and Jagtar Singh alias Lalo regarding compromise have also been recorded separately. Both the parties also submitted in their respective statements that they have given their statements out of their free will, without any threat, coercion or pressure. Both the parties have been identified by their counsels. It is further submitted that as per the statements of complainant/victims and the accused persons regarding compromise got recorded before the court, the compromise arrived at between them is genuine, voluntary and without any coercion or undue influence, being outcome of their free will. Further the statement of ASI Jasbir Singh No.736/Asr (City), P.P. Kot Mit Singh, P.S. Sultanwind, Amritsar, has also been recorded. In his statement, he brought the police file of this case and the challan has yet not been presented in the court. He further submitted that none of the accused is proclaimed offender/person in this case nor any such proceedings are initiated against them. Copies of the statements of parties are attached for kind perusal. Report is submitted accordingly.

Report is submitted accordingly.

Thanking you.”

[5]. In view of report submitted by the Judicial Magistrate Ist Class, Amritsar, 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.48 dated 30.06.2020 under Sections 323, 324, 326, 148, 149 IPC in FIR No.0093 dated 30.06.2020 registered under Sections 452, 323, 148, 149, 341 IPC (Section 326 IPC added later on) at Police Station Sultanwind, District Amritsar as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

January 11, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No