

231-A

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

**CRM-M No.37601 of 2020(O&M)
Date of Decision: 07.01.2021**

Manohar Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. A.S. Bhatti, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Ritesh Pandey, Advocate
for respondent No.2.

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 cross version GD No.44 dated 02.11.2018 registered under Sections 326, 323, 452, 148, 149 IPC in FIR No.239 dated 01.11.2018 registered under Sections 326, 323, 324, 452, 148, 149 IPC at Police Station Civil Line Batala District Batala along with all subsequent proceedings arising therefrom on the basis of

compromise.

[3]. Vide order dated 16.11.2020 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 have appeared before JMIC, Batala. The Court has recorded their statements and after recording their statement, the Court has submitted its report. Relevant part of the report reads as under:-

“8. It is further submitted that statement of Investigating Officer ASI Gurnam Singh No.1914/Btl, posted at Police Station Civil Line, Batala was recorded on 26.11.2020, who submitted that in GD No.44 dated 02.11.2018 registered under Sections 326, 323, 452, 148, 149 of IPC in FIR bearing No.239 dated 01.11.2018 under Sections 326, 323, 324, 452, 148 & 149 of IPC, Police Station Civil Line, Batala, five persons have been arrayed as accused namely Manohar Singh son of Anup Singh, Sukhwinder Singh @ Chinna son of Joginder Singh @ Jatinder Singh, Kulwant Singh son of Anoop Singh, Ajaib Singh son of Joginder Singh and Sarabjit Singh @ Babbu son of Mohinder Singh. None of the accused has been declared as proclaimed offender.

9. In compliance to the aforesaid order dated

16.11.2020 of Hon'ble Punjab and Haryana High Court, point wise report is submitted as hereunder:-

(1) In view of the statements got recorded by both the parties, this Court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure or coercion.

(2) Five persons arrayed as accused in the present FIR namely Manohar Singh son of Anup Singh, Sukhwinder Singh @ Chinna son of Joginder Singh @ Jatinder Singh, Kulwant Singh son of Anoop Singh, Ajaib Singh son of Joginder Singh and Sarabjit Singh @ Babbu son of Mohinder Singh.

(3) None of the accused has been declared as proclaimed offender.

10. As such, report is submitted accordingly along with the statements for the kind perusal of your goodself."

[5]. In view of report submitted by the trial Court, 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, cross version GD No.44 dated 02.11.2018 registered under Sections 326, 323, 452, 148, 149 IPC in FIR

No.239 dated 01.11.2018 registered under Sections 326, 323, 324, 452, 148, 149 IPC at Police Station Civil Line Batala District Batala as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

07.01.2021	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No