

230-2

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

**CRM-M No.44153 of 2020
Date of Decision: 09.03.2021**

CHARANJIT SINGH AND OTHERS

.....Petitioners

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

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

Present: Mr. Tejwinder Singh Hundal, Advocate
for the petitioners.

Mr. Saurav Khurana, D.A.G., Punjab.

Mr. N.S. Sidhu, 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 GD No.23 dated 08.09.2020 registered under Sections 323/34 IPC at Police Station Cantt, District Bathinda along with all the subsequent proceedings arising therefrom, on the basis of compromise.

[3]. Notice of motion was issued on 05.01.2021 and the parties were directed to appear before the trial Court//*laqa*

Magistrate on 11.01.2021 for recording their statements in respect of genuineness of the compromise in question.

[4]. In compliance of the aforesaid order, a report has been received from the Addl. Chief Judicial Magistrate, Bathinda. Relevant part of the said report reads as under:-

"I am to report that the petitioners and the respondent No.2 on dated 11.01.2021 appeared before this Court to get their statements with regard to the genuineness of the compromise recorded. The respondent No.2-complainant-Balkaran Singh suffered a statement to the effect that he got the present DDR registered against the petitioners-accused. Now, with the intervention of the respectables of the locality, a compromise has been effected between him and the petitioners-accused. The compromise is genuine, voluntary and without any kind of pressure or coercion. The compromise is for the betterment of both the parties. He has got no objection if the subject DDR is quashed on the basis of compromise. The Compromise Deed is Exh.CX.

So also, the petitioners-Charanjit Singh, Gagandeep Singh @ Gagan and Harwinder Singh Chahal suffered a joint statement to the effect that with the intervention of the respectables of the locality, a compromise has been effected between them and the respondent No.2-complainant. The compromise is genuine, voluntary and without any pressure or coercion. The Compromise Deed is Exh.CX.

Karamjit Singh ASI, Police Station Cantt, Bathinda suffered a statement to the effect that there are only three

accused, namely, Charanjit Singh, Gagandeep Singh @ Gagan and Harwinder Singh Chahal involved in the present case. None of the accused has so far been declared proclaimed offender in the present case.

From the above said statements before and as per the record available with this Court, I am to report as follows:

- 1. That compromise between the parties is genuine, voluntary and out of free will of the parties.*
- 2. The total number of persons named as accused in the case is three, i.e., the petitioners.*
- 3. None of the accused has so far been declared proclaimed offender.*

The asked for report is submitted accordingly.”

[5]. 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.

[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, GD No.23 dated 08.09.2020 registered under Sections 323/34 IPC at Police Station Cantt, District Bathinda, as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

March 09, 2021
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No