

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

CRM-M-12-2021 (O&M)

Date of decision : 01.03.2021

Malkiat Singh and others

... Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present : Mr. M.S. Atwal, Advocate
for the petitioners.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

CRM-M-3536-2021 in
CRM-M-12-2020

Prayer is for placing on record amended memo of parties
alongwith amended petition.

Learned counsel for the petitioners submits that due to
some over site, the address of respondents No.5 and 6 have been
wrongly mentioned and the offence under Section 323 IPC could
not be incorporated. He seeks necessary correction and also for
placing on record amended memo of parties.

Notice in the application to non-applicant/respondents.

For the reasons mentioned in the application, the same is allowed. Amended petition is taken on record alongwith necessary incorporation in respect of Section 323 IPC.

CRM-M-12-2021

[1.] Prayer in this petition is for quashing of DDR No.025 dated 09.12.2018 in case FIR No.159 dated 04.12.2018 registered under Sections 323, 324, 148, 149 and 506 IPC at Police station Bullowal, District Hoshiarpur along with all the subsequent proceedings arising therefrom, on the basis of compromise.

[2.] Notice of motion was issued on 07.01.2021 and both the parties were directed to appear before the trial Court/Duty Magistrate for recording their statements in the context of genuineness of the compromise. Trial Court/Duty Magistrate was also directed to submit its report with regard to genuineness of the compromise.

[3.] In compliance of the aforesaid order, trial Court has submitted its report to the following effect:-

“Complainant Jaswant Singh appeared and suffered statement to the effect that above mentioned DDR bearing No.25 dated 09.12.2018 u/s 323, 324, 506, 148, 149 IPC in FIR No.159 dated 04.12.2018, PS Bullowal, Hoshiarpur, was registered on her statement against accused Malkiat Singh son of Tarsem Singh, Balvir Kaur wife of Malkiat Singh, Manvir Singh son of Charanjit Singh, Narinderpal Kaur wife of Charanjit Singh, Hardeep Singh son of Malkiat Singh, Tarsem Singh son of Kartar Singh, who have now entered into compromise with the complainant. Complainant stated that with the intervention of respectables of the society, a compromise has been effected with the accused party without any fear, coercion, undue influence and voluntarily. Further, copy of compromise deed was placed on record as Ex.P-1.

It is further stated that complainant has no objection if DDR No.025 dated 09.12.2018, u/s 323, 324, 506, 148, 149 IPC, in FIR No.159 dated 04.12.2018, PS Bullowal, Hoshiarpur, and proceedings subsequent thereto be quashed against accused namely Malkiat Singh, Hardeep Singh, Tarsem Singh, Manvir Singh, Nainderpal Kaur and Balvir Kaur.

Statement of accused Malkiat Singh, Hardeep Singh, Tarsem Singh, Manvir Singh, Nainderpal Kaur and Balvir Kaur recorded separately who have also re-affirmed the factum of compromise and amicable settlement with

complainant. To ensure the identity of parties, Adhar cards are taken on record.

In compliance to order dated 11.12.2020, the undersigned submits as hereinunder:-

i) that on examination of statements of complainant Jaswant Singh and accused party, compromise effected between them, appears to be bonafide, voluntary, genuine, lawful and without any kind of pressure, undue influence and fear from any side. Further, copy of compromise arrived between the parties is placed on record Ex. P-1.

ii) that as per report received from SHO concerned, PS Bullowal, all the accused named above are on police bail, since offences are bailable in above noted DDR No.25 dated 09.12.2018, which is cross case to FIR No.159 dated 04.12.2018, PS Bullowal, Hoshiarpur. Thus, all the accused/petitioner are on bail.

iii) that as per report received from SHO concerned, PS Bullowal, Hoshiarpur, that FIR No.130 dated 20.10.2011, u/s 323, 324, 341, 148, 149 IPC PS Bullowal, Hoshiarpur, was registered against accused Malkiat Singh son of Tarsem Lal and he had been convicted by the Court of Shri Gursher Singh, Ld. JMJC Hoshiarpur vide judgment and order dated 25.09.2018 and sent to imprisonment to two years.

Further as per the statement of accused Malkiat Singh, Hardeep Singh and Tarsem Singh, DDR No.36 dated 08.06.2020, u/s 323, 324, 506,

148, 149 IPC (Section 326 IPC added later on), PS Bulloval is pending against accused regarding which petition to quash the said DDR is already filed before Hon'ble Punjab & Haryana High Court pending for 01.03.2021. Further, no other case is pending against either of the parties with PS Bulloval, Hoshiarpur.

This report submitted from your kind perusal alongwith statements of the parties.”

[4.] Perusal of the aforesaid report would show that the parties have effected genuine compromise. The complainant is not willing to carry on with the prosecution case against the petitioner. 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, DDR No.025 dated 09.12.2018 in case FIR No.159 dated 04.12.2018 registered under Sections 324, 148, 149 and 506 IPC at Police station Bullowal, District Hoshiarpur as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

01.03.2021

Dinesh

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No