

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-5290-2021 (O & M)

Date of decision: 12.05.2022

Swinder Singh and ors.

..... Petitioners

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vivek Singla, Advocate, for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Vivek Salathia, Advocate,
for respondent No.2-complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for the quashing of the cross case registered vide Rapat No.23 dated 23.06.2010 under Section 325 IPC with Police Station Kamboj, District Amritsar-Rural (Annexure P-2) in FIR No.21 dated 13.06.2010 under Sections 324, 323, 148, 149, 341, 120-B IPC (Section 326 IPC added later on) registered with Police Station Kamboj, District Amritsar-Rural and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-3) arrived at between the petitioner and respondent No.2-complainant.

Vide order dated 04.02.2021 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 04.02.2021 with regard to the compromise (Annexure P-3).

In terms of the order dated 04.02.2021 passed by this Court parties have appeared before the court of Chief Judicial Magistrate, Amritsar

and as per his report dated 18.03.2021 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. In view of the compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.PC 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 fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

In view of the aforesaid report of the learned Chief Judicial Magistrate, Amritsar, accompanied by the joint statement of both the parties, the cross case registered vide Rapat No.23 dated 23.06.2010 under Section 325 IPC with Police Station Kamboj, District Amritsar-Rural (Annexure P-2) in FIR No.21 dated 13.06.2010 under Sections 324, 323, 148, 149, 341, 120-B IPC (Section 326 IPC added later on) registered with Police Station Kamboj, District Amritsar-Rural, and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 12, 2022
sukhpreet