

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

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1.

CRM-M-4759-2022

Date of Decision : 30.08.2022

Usha Rani and others

... Petitioners

Versus

State of Punjab and others

... Respondents

2.

CRM-M-4838-2022

Ram Lal @ Ram Pal and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Paras Khindri, Advocate,
for the petitioners in CRM-M-4759-2022 and
for respondents No.2 to 4 in CRM-M-4838-2022.

Mr. A.S. Sandhu, AAG, Punjab.

Mr. Harjinder Singh, Advocate,
for the petitioners in CRM-M-4838-2022 and
for respondents in CRM-M-4759-2022.

SANJAY VASHISTH, J. (Oral):

By this order, I intend to dispose of CRM-M-4759-2020, titled as, “Usha Rani and others vs. State of Punjab and others”, and CRM-M-4838-2022, titled as, “ Ram Lal @ Ram Pal and others vs State of Punjab and others”, by recording following observations and directions separately in both cases:-

CRM-M-4759-2022

By way of present petition, petitioners are seeking quashing of FIR No.292, dated 05.10.2017, under Sections 323, 324, 341, 325, 506, 148,

149 of IPC, registered at Police Station Sultanpur Lodhi, district Kapurthala (Annexure P-1), and all the subsequent proceedings arising therefrom, on the basis of compromise-deed dated 31.12.2021 (Annexure P-3),

Vide order dated 08.02.2022, co-ordinate Bench of this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 31.12.2021(Annexure P-3).

The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

In compliance thereof, the parties have appeared before the Sub Divisional Judicial Magistrate, Sultanpur Lodhi, and as per report dated 25.03.2022 submitted to this Court, both the parties have got recorded their respective statements before Illaqa Magistrate/trial 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 Sub Divisional Judicial Magistrate, Sultanpur Lodhi, accompanied by statements of both the parties, the FIR No.292, dated 05.10.2017, under Sections 323, 324, 341,

325, 506, 148, 149 of IPC, registered at Police Station Sultanpur Lodhi, district Kapurthala, along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made before Illaqa Magistrate/trial Court.

CRM-M-4838-2022

By way of present petition, petitioners are seeking for quashing of DDR No. 24, dated 05.10.2017, under Sections 323, 324, 325, 148, 149 of IPC, registered at Police Station Sultanpur Lodhi, distt. Kapurthala (Annexure P-1) in case FIR No.292, dated 05.10.2017, under Sections 323, 324, 341, 325, 506, 148, 149 of IPC, registered at Police Station Sultanpur Lodhi, district Kapurthala (Annexure P-2), and all the subsequent proceedings arising therefrom, on the basis of compromise dated 31.12.2021 (Annexure P-3).

Vide orders dated 08.02.2022, Co-ordinate Bench of this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 31.12.2021 (Annexure P-3).

The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

In compliance thereof, the parties have appeared before the Sub Divisional Judicial Magistrate, Sultanpur Lodhi, and as per report dated 25.03.2022 submitted to this Court, both the parties have got recorded their respective statements before Illaqa Magistrate/trial 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 Sub Divisional Judicial Magistrate, Sultanpur Lodhi, accompanied by statements of both the parties, the DDR No. 24, dated 05.10.2017, under Sections 323, 324, 325, 148, 149 of IPC, registered at Police Station Sultanpur Lodhi, distt. Kapurthala, along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made before Illaqa Magistrate/trial Court.

(SANJAY VASHISTH)
JUDGE

August 30, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*