

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-5192-2022 (O & M)

Date of decision: 26.04.2022

Nirbhai Singh and anr.

..... Petitioners

V/s

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Tarun Jhatta, Advocate, for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. Harmanpreet Sehgal, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The Prayer in this petition is for the quashing of the cross case registered vide GD/Rapat No.47 dated 16.05.2016 under Sections 324/34 IPC (Annexure P-1) in FIR No.34 dated 16.05.2016 (Annexure P-2) registered under Sections 323, 34 IPC (Section 452 deleted and Section 325 IPC added later on), with Police Station Kotbhai, District Sri Muktsar Sahib and all consequential proceedings arising therefrom on the basis of compromise/settlement (Annexure P-3) arrived at between the parties.

Vide order dated 09.02.2022 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 09.02.2022 with regard to the compromise/settlement (Annexure P-3).

In terms of the order dated 09.02.2022 passed by this Court

Gidderbaha and as per his report dated 07.04.2022 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 Judicial Magistrate Ist Class, Gidderbaha, accompanied by statements of both the parties, the GD/Rapat No.47 dated 16.05.2016 under Sections 324/34 IPC (Annexure P-1) in FIR No.34 dated 16.05.2016 (Annexure P-2) registered under Sections 323, 34 IPC (Section 452 deleted and Section 325 IPC added later on), with Police Station Kotbhai, District Sri Muktsar Sahib and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 26, 2022
sukhpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No