

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

Date of Decision : 21.09.2022

1. CRM-M-5795-2022

Prem Singh and others

...Petitioners

Versus

Krishan and another

...Respondents

2. CRM-M-6736-2022

Krishan and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Jasjit Singh Rattu, Advocate
for the petitioners in CRM-M-5795-2022 and
for the respondents No. 2 to 4 in CRM-M-6736-2022.

Mr. Tejinder Pal Singh, Advocate
for the petitioners in CRM-M-6736-2022 and
for the respondents in CRM-M-5795-2022 .

Mr. Vikas Bhardwaj, AAG, Haryana,
for respondent No. 1 in CRM-M-6736-2022

SANJAY VASHISTH, J. (Oral)

By this order, I intend to dispose of CRM-M-5795-2022, as

'Prem Singh and others v. Krishan and another' and CRM-M-6736-2022,

titled as 'Krishan and others v. State of Haryana and others', by recording following observations and directions separately in both cases.

CRM-M-5795-2022

By way of present petition, petitioners are seeking quashing of complaint bearing No. COMI-193-2015 (Annexure P-1), titled as 'Krishan v. Sanjay and others', instituted on 16.07.2015, under Sections 148, 149, 452, 323, 325, 427, 506 IPC, pending in the Court of Ld. Judicial Magistrate, Panipat and all the subsequent proceedings arising therefrom, on the basis of compromise dated 06.01.2022 (Annexure P-5).

Vide order dated 11.02.2022, co-ordinate Bench of this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to compromise dated 06.01.2022 (Annexure P-5).

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 Judicial Magistrate Ist Class, Panipat, and as per report dated 11.03.2022 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”***.

Accordingly, present petition is allowed. Complaint bearing No. COMI-193-2015 (Annexure P-1), titled as ‘Krishan v. Sanjay and others’, instituted on 16.07.2015, under Sections 148, 149, 452, 323, 325, 427, 506 IPC, pending in the Court of Ld. Judicial Magistrate, Panipat and all the proceedings emanating therefrom are hereby quashed, qua the petitioners in the present petition, on the basis of compromise dated 06.01.2022 (Annexure P-5).

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-6736-2022

By way of present petition, petitioners are seeking quashing of FIR No. 0308 dated 24.07.2014 (Annexure P-1), under Sections 148, 149, 323, 341, 506 IPC (Charges framed under Sections 323, 325, 341, 506 and 34 IPC), registered at Police Station Matlauda, District Panipat and all the subsequent proceedings arising therefrom, on the basis of compromise dated 06.01.2022 (Annexure P-4).

Vide order dated 18.02.2022, co-ordinate Bench of this Court had directed the parties to appear before Illaqa Magistrate for

getting their statements recorded with regard to compromise dated 06.01.2022 (Annexure P-4).

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 Judicial Magistrate Ist Class, Panipat, and as per report dated 11.03.2022 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”***.

Accordingly, present petition is allowed. FIR No. 0308 dated 24.07.2014 (Annexure P-1), under Sections 148, 149, 323, 341, 506 IPC (Charges framed under Sections 323, 325, 341, 506 and 34 IPC), registered at Police Station Matlauda, District Panipat and all the proceedings emanating therefrom are hereby quashed, qua the petitioners in the present petition, on the basis of compromise dated 06.01.2022 (Annexure P-4).

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

A photocopy of this order be placed on the file of connected case.

21.09.2022
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(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No