

**(233) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-4873-2020
Date of decision :09.09.2022

SARABJIT SINGH & OTHERS

... Petitioners

Versus

STATE OF PUNJAB & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.S. Sekhon, Advocate for the petitioners.

Mr. Ravinder Singh, Asstt. A.G., Punjab.

Mr. I.S. Dhaliwal, Advocate
for respondent Nos.2 & 3.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of cross-version DDR No.48 dated 17.07.2018 (Annexure P-2) registered under Sections 323, 148, 149 of IPC, 1860 at Police Station Bariwala, District Sri Muktsar Sahib in case FIR No.60 dated 17.07.2018 (Annexure P-1) registered under Sections 452, 323, 427, 506, 34 IPC, 1860 at Police Station Bariwala, District Sri Muktsar Sahib along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties

Vide order dated 04.02.2020 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 09.01.2020 (P-3).

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

Pursuant to the order dated 04.02.2020 passed by this Court, the parties have appeared before the learned Judicial Magistrate, 1st Class, Sri Muktsar Sahib and as per the report dated 09.03.2020 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, 1st Class, Sri Muktsar Sahib accompanied by statements of both the parties, the cross-version DDR No.48 dated 17.07.2018 (Annexure P-2) registered under Sections 323, 148, 149 of IPC, 1860 at Police Station Bariwala, District Sri Muktsar Sahib in case FIR No.60 dated 17.07.2018 (Annexure P-1) registered under Sections 452, 323, 427, 506, 34 IPC, 1860 at Police Station Bariwala, District Sri Muktsar Sahib along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

09.09.2022

JITESH

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