

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31723-2021 (O & M)

Date of decision: 14.12.2022

Balkar Singh and ors.

..... Petitioners

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Brahmjeet Singh, Advocate, for the petitioners.

Ms. Ramta Chaudhary, DAG, Punjab.

Mr. Mohit Singla, Advocate,
for the complainant/respondents No.2 to 4.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 482 Cr.P.C. is for quashing of the cross case registered vide G.D.D. No.19 dated 20.08.2020 under Sections 323/324/326/452/148/149 IPC at Police Station Bhindi Saidan (Annexure P-2) in FIR No.78 dated 22.07.2020 under Sections 382/325/324/323/341/427/506/148/149 IPC and Sections 25/27 of the Arms Act registered at Police Station Bhindi Saidan, District Amritsar and all other consequential proceedings arising therefrom on the basis of a compromise dated 17.06.2021 (Annexure P-3).

Vide order dated 20.09.2021 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise (Annexure P-3) and 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 20.09.2021 passed by this Court, the

per the report dated 08.02.2022 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 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 above and the report of the Judicial Magistrate Ist Class, Ajnala, the cross case registered vide G.D.D. No.19 dated 20.08.2020 under Sections 323/324/326/452/148/149 IPC at Police Station Bhindi Saidan (Annexure P-2) in the FIR No. 78 dated 22.07.2020 under Sections 382/325/324/323/341/427/506/148/149 IPC and Sections 25/27 of the Arms Act registered at Police Station Bhindi Saidan, District Amritsar along with all the consequential proceedings arising therefrom, are hereby quashed qua the petitioners only.

Petition stands disposed of.

December 14, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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