

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

CRM-M-31308-2022

Date of decision : 22.09.2022

PRITAM SINGH AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mahipal S. Yadav, Advocate for the petitioners.

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

Mr. Shubham Chandel, Advocate for
Mr. Sunny K. Singla, Advocate
for respondent Nos.2 to 6.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of cross-case bearing GD. No.12 registered under Sections 323, 341, 34 IPC, 1860 (Section 452 of the IPC was added later on dated 28.05.2012) at Police Station Amargarh, District Sangrur (Annexure P-2) in FIR No.43 dated 30.05.2012 (Annexure P-1) registered under Sections 323, 324, 148, 149 and 506 IPC, 1860 (Section 325 IPC was added later on) at Police Station Amargarh, District Sangrur along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 22.07.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 28.05.2012 (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 22.07.2022 passed by this Court, the parties have appeared before the learned Sub Divisional Judicial Magistrate, Malerkotla and as per the report dated 13.09.2022 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 Sub Divisional Judicial Magistrate, Malerkotla accompanied by statements of both the parties, the GD. No.12 registered under Sections 323, 341, 34 IPC, 1860 (Section 452 of the IPC was added later on dated 28.05.2012) at Police Station Amargarh, District Sangrur (Annexure P-2) in FIR No.43 dated 30.05.2012 (Annexure P-1) registered under Sections 323, 324, 148, 149 and 506 IPC, 1860 (Section 325 IPC was added later on) at Police Station Amargarh, District Sangrur along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

22.09.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No