

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35601-2021 (O & M)

Date of decision: 09.03.2022

Prem Kumar and anr. Petitioners

V/s

State of Punjab and anr. ...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Anshul Khurana, Advocate, for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. Karandeep Singh, Advocate,
for respondent No.2-complainant.

JASJIT SINGH BEDI, J. (Oral)

The present petition has been filed for the quashing of cross case bearing Rapat/G.D. No.39 dated 12.03.2021 (Annexure P-2) under Sections 323, 34 IPC in a case bearing FIR No.0022 dated 24.03.2021 (Annexure P-1) under Sections 325, 34 IPC registered with Police Station Khui Khera and all consequential proceedings arising therefrom on the basis of compromise/settlement dated 23.08.2021 (Annexure P-3) arrived at between the petitioner and respondent no.2.

Vide order dated 31.08.2021 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 31.08.2021 with regard to the compromise/settlement dated 23.08.2021 (Annexure P-3).

In terms of the order dated 31.08.2021 passed by this Court parties have appeared before the court of Prabhjot Bhatti, Judicial Magistrate

Ist Class, Fazilka, and as per the report dated 03.12.2021 submitted to this

Court, both the parties have got recorded their respective statements in Court.

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 Judicial Magistrate Ist Class, Fazilka, accompanied by statements of both the parties, the cross case registered vide Rapat/G.D. No.39 dated 12.03.2021 (Annexure P-2) under Sections 323, 34 IPC in a case bearing FIR No.0022 dated 24.03.2021 (Annexure P-1) under Sections 325, 34 IPC registered with Police Station Khui Khera and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 09, 2022
sukhpreet

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