

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34882-2022 (O & M)

Date of decision: 30.11.2022

Umesh Kumar and ors.

..... Petitioners

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Monty Goyal, Advocate, for the petitioners.

Ms. Ramta Chaudhary, DAG, Punjab.

Mr. Harjot Goyal, Advocate,
for Mr. Inderjeet Singh Chawla, Advocate,
for the complainant/respondent No.2.

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 DDR/Rapat No.34 dated 29.10.2018 (Annexure P-1) at Police Station SAS Nagar, Zirakpur in FIR No.374 dated 14.10.2018 under Sections 323, 325, 341, 506, 148 and 149 IPC registered at Police Station Zirakpur, District SAS Nagar, and all other consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3), entered into between the parties.

Vide order dated 06.08.2022 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 06.08.2022 with regard to the compromise (Annexure P-3).

In terms of the order dated 06.08.2022 passed by this Court parties have appeared before the court of Judicial Magistrate Ist

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 Judicial Magistrate Ist Class, Derabassi, accompanied by the joint statement of both the parties, the proceedings in cross-case registered vide DDR/Rapat No.34 dated 29.10.2018 (Annexure P-1) at Police Station SAS Nagar, Zirakpur in FIR No.374 dated 14.10.2018 under Sections 323, 325, 341, 506, 148 and 149 IPC registered at Police Station Zirakpur, District SAS Nagar, and all other consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

November 30, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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