

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31644-2019 (O & M)

Date of decision: 16.08.2022

Vinod Kumar and ors.

..... Petitioners

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Neeraj Yadav, Advocate, for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Rahul Verma, Advocate,
for respondents No.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the criminal complaint No.55 dated 12.12.2012 under Sections 452, 427, 506, 504, 148 and 149 IPC and Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and all subsequent consequential proceedings on the basis of compromise.

Vide orders dated 05.11.2019 and 01.04.2022, 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 05.11.2019 with regard to the compromise (Annexure P-2).

In terms of the orders dated 05.11.2019 and 01.04.2022, passed by this Court parties have appeared before the court of Additional Sessions Judge, Mansa, and as per the report dated 27.04.2022 submitted by the Additional District & Sessions Judge, Mansa, 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 Additional District & Sessions Judge, Mansa, accompanied by the joint statement of both the parties, the Criminal Complaint No.55 dated 12.12.2012 under Sections 452, 427, 506, 504, 148 and 149 IPC and Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 16, 2022
sukhpreet

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