

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

261

Decided on : 14.09.2022

1. CRM-M-36497-2020(O&M)

NAVEEN KUMAR AND ANR . . . Petitioners

Versus

STATE OF PUNJAB AND ORS . . . Respondents

2. CRM-M-36713-2020(O&M)

SURINDER KUMAR . . . Petitioner

Versus

STATE OF PUNJAB AND ORS . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Arnav Sood, Advocate
for the petitioner in CRM-M-36497-2020 and
for respondent No.2 in CRM-M-36713-2020.

Mr. Eklavya Gupta, Advocate
for the petitioner in CRM-M-36713-2020 and
for respondents No.2 to 5 CRM-M-36497-2020.

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

By this order, I intend to dispose of CRM-M-36497-2020, titled as, “Naveen Kumar and Anr vs. State of Punjab and others”, and CRM-M-36713-2020, titled as, “ Surinder Kumar vs State of Punjab and others”, by recording following observations and directions separately in both cases:-

CRM-M-36497-2020

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.99, dated 26.11.2015, lodged under Sections 324, 323, 34 of IPC (Section 452 IPC added later on), registered at Police Station Haryana, District Hoshiarpur, along with all consequential proceedings

arising therefrom on the basis of a compromise-deed dated 26.10.2020 (Annexure P-2), arrived at between the parties.

Vide order dated 23.12.2020, this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise-deed 26.10.2020 (Annexure P-2).

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 orders dated 23.12.2020 passed by this Court, the parties have appeared before the Judicial Magistrate 1st Class, Hoshiarpur, and as per the report dated 22.01.2021 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 Judicial Magistrate 1st Class, Hoshiarpur, accompanied by statements of both the parties, in case FIR No.99, dated 26.11.2015, lodged under Sections 324, 323, 34 of IPC (Section 452 IPC added later on), registered at Police Station Haryana,

District Hoshiarpur, along with all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

Petition stands disposed of.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made before Illaqa Magistrate/trial Court.

CRM-M-36713-2020

The present petition has been filed under Section 482 Cr.P.C. for quashing of DDR No.34(A) dated 26.10.2015 under Sections 323, 34 IPC registered at Police Station Hariana, District Hoshiarpur in case FIR No.99, dated 26.11.2015, lodged under Sections 324, 323, 34 of IPC (Section 452 IPC added later on), registered at Police Station Hariana, District Hoshiarpur, along with all consequential proceedings arising therefrom on the basis of a compromise-deed dated 26.10.2010 (Annexure P-3), arrived at between the parties.

Vide order dated 23.12.2020, this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise-deed 26.10.2010 (Annexure 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 orders dated 23.12.2020 passed by this Court, the parties have appeared before the Judicial Magistrate 1st Class, Hoshiarpur, and as per the report dated 22.01.2021 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 Judicial Magistrate 1st Class, Hoshiarpur, accompanied by statements of both the parties, DDR No.34(A) dated 26.10.2015 under Sections 323, 34 IPC registered at Police Station Hariana, District Hoshiarpur in case FIR No.99, dated 26.11.2015, lodged under Sections 324, 323, 34 of IPC (Section 452 IPC added later on), registered at Police Station Hariana, District Hoshiarpur, along with all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

Petitions stands disposed of.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made before Illaqa Magistrate/trial Court.

(SANJAY VASHISTH)
JUDGE

14.09.2022
Amandeep

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No