

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

276

1)

CRM-M-51147-2021
Decided on : 29.09.2022

Gopal Singh and others

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

2)

CRM-M-51151-2021

Karam Singh and others

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Harinder Singh Aujla, Advocate
for the petitioners (in CRM-M-51447-2021)
for respondents No.2 & 3 (in CRM-M-51151-2021).

Mr. Navdeep Singh Dhillon, Advocate
for the petitioners (in CRM-M-51151-2021)
for respondents No.2 & 3 (in CRM-M-51447-2021).

Mr. AS Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

By this order, I intend to dispose of CRM-M-51147-2021, titled as, "Gopal Singh and others Vs. State of Punjab and others", and CRM-M-51151-2021, titled as, "Karam Singh and others vs State of Punjab and others", by recording following observations and directions separately in both cases:-

CRM-M-51147-2021

By way of present petition, petitioners are seeking quashing of complaint No. COMI 32 of 2017, titled as, "Bhupinder Kaur Vs. Gopal Singh and others", under Sections 452, 451, 341, 323, 506, 426 of IPC and Section 3(X) and 3(2) (iii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Annexure P-1), and summoning order dated

27.09.2018 (Annexure P-2) under Sections 452, 323, 506 of IPC and Section 3(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and all the subsequent proceedings arising therefrom, on the basis of compromise dated 07.04.2021 (Annexure P-4),

Vide order dated 21.01.2022, co-ordinate Bench of this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 07.04.2021 (Annexure P-4).

The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

In compliance thereof, the parties have appeared before the Additional Sessions Judge, SAS Nagar (Mohali), and as per report dated 04.04.2022 submitted to this Court, both the parties have got recorded their respective statements before Illaqa Magistrate/trial 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 Additional Sessions Judge, SAS Nagar (Mohali), accompanied by statements of both the parties, the complaint No. COMI 32 of 2017, titled as, “Bhupinder Kaur Vs. Gopal Singh and others”, under Sections 452, 451, 341, 323, 506, 426 of IPC and Section 3(X) and 3(2) (iii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Annexure P-1), and summoning order dated 27.09.2018 (Annexure P-2) under Sections 452, 323, 506 of IPC and Section 3(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, along with all consequential proceedings arising

therefrom are hereby quashed qua the petitioners.

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-51151-2021

By way of present petition, petitioners are seeking for quashing of FIR No.123, dated 06.09.2015, under Sections 323, 325, 34 of IPC, registered at Police Station Kharar, District SAS Nagar (Annexure P-1), and all the subsequent proceedings arising therefrom, on the basis of compromise dated 07.04.2021 (Annexure P-3).

Vide orders dated 08.02.2022, Co-ordinate Bench of this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 07.04.2021 (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.

In compliance thereof, the parties have appeared before the Additional Sessions Judge, SAS Nagar (Mohali), and as per report dated 04.04.2022 submitted to this Court, both the parties have got recorded their respective statements before Illaqa Magistrate/trial 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 Additional Sessions Judge, SAS Nagar (Mohali), accompanied by statements of both the

parties, the FIR No.123, dated 06.09.2015, under Sections 323, 325, 34 of IPC, registered at Police Station Kharar, District SAS Nagar, along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

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.

(SANJAY VASHISTH)
JUDGE

September 29, 2022
J.Ram

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