

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

236-2

CRM-M 5286 of 2023

Date of Decision: 30.05.2023

Sukhpal Singh & Ors.

.....*Petitioners*

Versus

State of Punjab and Ors.

.....*Respondents*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Rishav Jain, Advocate for the petitioners.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

Mr. Nitesh Singla, Advocate for respondent Nos.2 to 4.

GURBIR SINGH, J (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing cross case i.e. G.D. No.60 dated 22.09.2021, under Sections 324, 323, 34 IPC registered at Police Station Budhlada, District Mansa, arising out of FIR No.125 dated 22.09.2021 and subsequent proceedings arising therefrom on the basis of compromise dated 29.01.2021 (Annexure P-2) arrived at between the parties.

Learned counsel for the parties have stated that the present FIR may be quashed as the parties have amicably settled the dispute.

During the course of preliminary hearing, the trial Court was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise by this Court.

In compliance thereof, report from learned Sub Divisional Judicial Magistrate, Budhlada, has been received through District and Sessions Judge, Mansa, with statements of parties, in which, it has been mentioned that the compromise is genuine and valid and outcome of free

consent of the parties and is without coercion from any quarter.

The powers under Section 482 Cr. P.C. 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 and others vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052 and “Gian Singh Versus State of Punjab and another”, 2012(4) RCR (Criminal) 543. I also draw support from case “CRM-M-13463-2022” titled as “Balwinder Singh @ Babbu Vs. State of Punjab” decided on 26.04.2022 by the Co-ordinate Bench of this Court, where FIR was registered *inter alia* under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Said FIR was quashed on the basis of compromise.

In view of aforesaid report of the learned Sub Divisional Judicial Magistrate, Budhlada, accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned G.D. No.60 dated 22.09.2021, under Sections 324, 323, 34 IPC registered at Police Station Budhlada, District Mansa, arising out of FIR No.125 dated 22.09.2021 and all subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise, qua the petitioners.

(GURBIR SINGH)
JUDGE

30.05.2023

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