

108-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9551-2023 (O&M)
DECIDED ON: 31.05.2023

GURPINDER SINGH AND ORS

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Karan Dhawan Advocate
for the applicants-petitioners.

Mr. Dhruv Dayal, Addl. A.G., Punjab.

Mr. B.S. Jaswal, Advocate
for respondent No.2.

VIKRAM AGGARWAL, J (ORAL)

CRM-24208-2023

Prayer in the present application is for preponing the date of hearing from 13.09.2023 on the ground that the matter had been adjourned to await the report of the concerned Court before whom the statements were to be recorded in compliance of the order dated 23.02.2023 whereas the said report was already on record of the connected case i.e. *CRM-M-9591-2023 titled as Sucha Singh and Other Vs. State of Punjab and Another.*

I have considered the submissions and have gone through the case file. The report dated 06.04.2023 is already on record.

Under the circumstances, the application is allowed and the case is preponed to today.

CRM-M-9551-2023

1. The prayer in this petition is for quashing of DDR No.24 dated 12.05.2016 registered under Sections 323, 324, 341, 148 and 149 of Indian Penal

Code, 1860 (for short 'IPC') at Police Station Raja Sansi, District Amritsar (Annexure P-2) in FIR No.42 dated 11.05.2016 registered under Sections 452, 323, 324, 427, 148 and 149 IPC at Police Station Raja Sansi, District Amritsar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of a compromise dated 11.02.2023 arrived at between the parties.

2. Vide order dated 23.02.2023 a Coordinate Bench of this Court had directed the parties to appear before the Area Magistrate/trial Court for getting their statements recorded with regard to the compromise dated 11.02.2023.

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

4. Pursuant to the order dated 23.02.2023 passed by this Court, the parties appeared before the Sub-Divisional Judicial Magistrate, Ajnala and as per the report dated 06.04.2023 submitted to this Court, both the parties got their respective statements recorded in Court.

5. 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. The powers under Section 482 Cr.P.C can be exercised in such like situations 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 directions 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 Sub-Divisional Judicial Magistrate, Ajnala accompanied by statements of both the parties, the present petition is allowed and DDR No.24 dated 12.05.2016 registered under Sections 323, 324, 341, 148 and 149 of Indian Penal Code, 1860 (for short 'IPC') at

Police Station Raja Sansi, District Amritsar (Annexure P-2) in FIR No.42 dated 11.05.2016 registered under Sections 452, 323, 324, 427, 148 and 149 IPC at Police Station Raja Sansi, District Amritsar (Annexure P-1) along with all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

31.05.2023
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

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