

CRM-M-12559-2023

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

CRM-M-12559-2023

Date of Decision:-24.05.2023

VARINDER SINGH & OTHERS

.....Petitioners.

Versus

STATE OF PUNJAB & ANOTHER

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vishal Khatkar, Advocate
for the Petitioners.

Mr. Harkanwar Jeet Singh, Asst. A.G., Punjab.

Mr. Prateek Pandit, Advocate for
respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The present petition has been filed for quashing of Criminal Complaint No.145 dated 25.08.2007 (Annexure P-1) titled as Rajinder Kaur Vs. Raminder Singh etc., under Section 458, 323, 342, 506 IPC decided on 13.07.2015 by the court of Chief Judicial Magistrate, Kapurthala and all consequential proceedings arising therefrom including the judgment dated 13.07.2015 (Annexure P-2) passed by the Chief Judicial Magistrate, Kapurthala convicting the petitioners under Sections 458, 323, 342, 506 IPC on the basis of compromise dated 16.02.2023 (Annexure P-3) entered into between the parties.

Vide order dated 15.03.2023 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 15.03.2023 with regard to the compromise dated 16.02.2023 (P-3).

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

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Pursuant to the order dated 15.03.2023 passed by this Court, the parties have appeared before the Chief Judicial Magistrate, Kapurthala and as per the report dated 06.05.2023 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.

The Hon’ble Supreme Court in “***Ramgopal and another versus State of Madhya Pradesh, 2021(4) RCR (Criminal) 322***”, has held that in non-compoundable cases of pre-dominantly private nature, even if compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully in consonance of judgments with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (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 Chief Judicial Magistrate, Kapurthala accompanied by statements of both the parties, the Criminal Complaint No.145 dated 25.08.2007 (Annexure P-1) under Section 458, 323, 342, 506 IPC decided on 13.07.2015 by the court of Chief Judicial Magistrate, Kapurthala and all consequential proceedings arising therefrom including the judgment dated 13.07.2015 (Annexure P-2) passed by the Chief Judicial Magistrate, Kapurthala convicting the petitioners under Sections 458, 323, 342, 506 IPC on the basis of compromise dated 16.02.2023 (Annexure P-3) are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

24.05.2023
jitesh

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