

CRM-M-13966 of 2023 (O & M)

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(284)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-13966 of 2023 (O & M)

Date of decision: 02.08.2023

Charan Singh and ors.

..... Petitioner(s)

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Vikasdeep Singh, Advocate,
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Vikas Gupta, Advocate,
for the respondents No.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of cross case registered vide DDR No.34 dated 02.03.2012 under Sections 324/323/148 and 149 IPC at Police Station Sadar Tarn Taran, District Tarn Taran in FIR No.42 dated 28.02.2012 under Sections 324, 323, 452, 148 and 149 IPC registered at Police Station Sadar Tarn Taran, District Tarn Taran and all subsequent proceedings arising therefrom on the basis of compromise dated 05.07.2022 (Annexure P-3).

CRM-M-13966 of 2023 (O & M)

::2::

(284)

Vide order dated 20.03.2023 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 20.03.2023 with regard to the compromise (Annexures P- 3).

In terms of the orders dated 20.03.2023 passed by this Court parties have appeared before the court of Additional Chief Judicial Magistrate, Tarn Taran and as per the report dated 25.04.2023 submitted to this Court, both the parties including petitioner No.2-Lovepreet Singh, who appeared through special power of attorney/wife, namely, Jasbir Kaur and respondent No.2-Jalla Singh alias Balli alias Jalla Singh Sidhu, who appeared through his wife/power of attorney holder, namely, Swaran Kaur, 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.***

CRM-M-13966 of 2023 (O & M)

::3::

(284)

In view of the aforesaid report of the Additional Chief Judicial Magistrate, Tarn Taran, accompanied by the joint statement of both the parties, the present cross case registered vide DDR No.34 dated 02.03.2012 under Sections 324/323/148 and 149 IPC at Police Station Sadar Tarn Taran, District Tarn Taran in FIR No.42 dated 28.02.2012 under Sections 324, 323, 452, 148 and 149 IPC registered at Police Station Sadar Tarn Taran, District Tarn Taran and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 02, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No