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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 01.02.2023

1. CRM-M No.24306 of 2022(O&M)

Gurpiar Singh and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

2. CRM-M No.24307 of 2022(O&M)

Sukhveer Singh and another

.....Petitioners

Vs

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Shubham Gupta, Advocate

for the petitioners in CRM-M No.24306 of 2022 and
for respondents No.2 and 3 in CRM-M No.24307 of
2022.

Mr. Tarun Jhatta, Advocate for

Mr. Suresh Singla, Advocate

for the petitioners in CRM-M No.24307 of 2022 and
for respondents No.2 and 3 in CRM-M No.24306 of
2022.

Mr. Sanjeev Soni, Addl., A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

CRM Nos.39018 and 39085 of 2022

Since the main cases are already fixed for today, therefore, these applications have become infructuous.

Ordered accordingly.

Main cases

[1]. Vide this common order, CRM-M No.24306 of 2022 titled Gurpiar Singh and others Vs. State of Punjab and others and CRM-M No.24307 of 2022 titled Sukhveer Singh and another Vs. State of Punjab and others are being disposed of.

[2]. Prayer in CRM-M No.24306 of 2022 is for quashing of FIR No.130 dated 20.07.2017 registered under Sections 341, 324, 323, 34 IPC at Police Station Maur, District Bathinda along with all the subsequent proceedings arising therefrom, on the basis of compromise.

[3]. Prayer in CRM-M No.24307 of 2022 is for quashing of DDR/G.D. No.35 dated 20.07.2017 registered under Sections 341, 323, 506, 34 IPC at Police Station Maur, District Bathinda in FIR No.130 dated 20.07.2017 registered under Sections 341, 324, 323, 34 IPC at Police Station Maur, District Bathinda along with all the subsequent proceedings arising therefrom, on the basis of compromise.

[4]. Both the cases are of version and cross-version. Vide order dated 02.06.2022, the trial Court was directed to send its report in respect of genuineness of the compromise in question after recording statements of the parties viz-a-viz the total number of accused persons and antecedents of the parties.

[5]. In compliance of the order dated 02.06.2022, a report has been received from the Sub Divisional Judicial Magistrate, Talwandi Sabo, highlighting that the parties have amicably resolved their differences by way of entering into a compromise voluntarily, without any threat, coercion or undue influence. Both the parties have no objection in case, FIR and DDR in question are quashed. The trial Court has also given its report that there are four accused persons namely Gurpiar Singh, Karminder Singh @ Kulwinder Singh, Sukhdeep Singh @ Sukhdeep Singh Brar and Kulveer Singh @ Kulbeer Singh. One person namely Baljeet Singh was affected with injury. None of the accused were ever convicted or involved in any other criminal case, nor were declared proclaimed offender in any FIR, except one FIR bearing FIR No.108 dated 24.06.2020 under Section 188 IPC, which is still pending against the complainant Sukhveer Singh. Sub Divisional Judicial Magistrate, Talwandi Sabo has endorsed that the compromise effected between the parties is genuine, voluntary, without any pressure, coercion or undue influence. Similar report has been received in CRM-M No.24307 of 2022, endorsing the genuineness of the compromise in question.

Both the parties have admitted the genuineness of the compromise in question before this Court.

[6]. Perusal of the aforesaid report would show that the parties have effected genuine compromise without there being any pressure, coercion or undue influence. In view of compromise there is a remote possibility of the complainant coming forward to support the prosecution case. 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 in fully consonance with the direction issued by the Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543.**

[7]. Learned State counsel has objected to the aforesaid course, but in the interest of justice and also to prevent unnecessary continuation of criminal proceedings, I am of the view that inherent powers under Section 482 Cr.P.C can be exercised in order to achieve ends of justice.

[8]. Resultantly, FIR No.130 dated 20.07.2017 registered under Sections 341, 324, 323, 34 IPC at Police Station Maur,

District Bathinda and DDR/G.D. No.35 dated 20.07.2017 registered under Sections 341, 323, 506, 34 IPC at Police Station Maur, District Bathinda in FIR No.130 dated 20.07.2017 registered under Sections 341, 324, 323, 34 IPC at Police Station Maur, District Bathinda as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[9]. Both the petitions stand disposed of.

01.02.2023	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No