

CRM-M-25297 of 2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25297 of 2022 (O & M)

Date of decision: 16.01.2023

Nachhattar Singh and ors.

..... Petitioner(s)

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Raghav Goyal, Advocate,
for the petitioner(s).

Ms. Ramta Chaudhary, DAG, Punjab.

Mr. S.S. Nagra, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the criminal complaint regd. No.COMI/99/2017 dated 09.11.2017 registered on 13.11.2017 before the Chief Judicial Magistrate, Sri Muktsar Sahib under Sections 365, 342, 323, 392, 506 and 511 IPC read with Section 34 IPC and summoning order dated 20.07.2019 passed by the Additional Chief Judicial Magistrate, Sri Muktsar Sahib summoned under Section 323, 365, 392 read with Section 34 in the aforesaid complaint on the basis of a compromise dated 27.12.2021 (Annexure P-3).

Vide order dated 12.10.2022 this Court had directed the parties

terms of certain parameters given in the aforesaid order dated 12.10.2022 with regard to the compromise (Annexures P-3).

In terms of the orders dated 12.10.2022 passed by this Court parties have appeared before the court of Additional Chief Judicial Magistrate, Sri Muktsar Sahib and as per the report dated 13.01.2023 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. 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.***

In view of the aforesaid report of the Additional Chief Judicial Magistrate, Sri Muktsar Sahib, accompanied by the joint statement of both the parties, the present criminal complaint regd. No.COMI/99/2017 dated 09.11.2017 registered on 13.11.2017 before the Chief Judicial Magistrate, Sri Muktsar Sahib under Sections 365, 342, 323, 392, 506 and 511 IPC read with Section 34 IPC and summoning order dated 20.07.2019 passed by the Additional Chief Judicial Magistrate, Sri Muktsar

aforesaid complaint and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 16 , 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No