

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

CRM-M-25931 of 2022

Date of Decision: 09.05.2023.

Maghar Singh

.....Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

Mr. M.S. Nagra, A.A.G., Punjab.

Mr. SPS Chakkal, Advocate
for respondent No.2.

VIKRAM AGGARWAL, J. (ORAL)

1. The prayer in this petition is for quashing of DDR No. 35 dated 27.06.2021, under Section 326 of the Indian Penal Code (for short 'IPC') registered at Police Station Sadar Ahmedgarh, District Malerkotla as a cross case in FIR No.0038 dated 19.04.2021, under Sections 452, 323, 506, 34 IPC, registered at Police Station Sadar Ahmedgarh District Malerkotla (Annexure P-2), along with all subsequent proceedings arising therefrom on the basis of a compromise/affidavit dated 03.03.2022 (Annexure P-3) arrived at between the petitioner and respondent no.2.

2. It has been stated by learned counsel for the petitioner that the present petition has no concern with CRM-M-29691 of 2022 and CRM-M-29306 of 2022 as the FIR in those cases is different.

3. Vide order dated 14.07.2022, 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/affidavit dated 03.03.2022 (Annexure P-3).

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

5. Pursuant to the order dated 14.07.2022 passed by this Court, the parties appeared before the Judicial Magistrate Ist Class, Malerkotla and as per the report dated 01.11.2022 submitted to this Court, both the parties got their respective statements recorded in Court.

6. 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 Judicial Magistrate Ist Class, Malerkotla, accompanied by statements of both the parties, the present petition is allowed and DDR No. 35 dated 27.06.2021, under Section 326 of IPC, registered at Police Station Sadar Ahmedgarh, District Malerkotla as a cross case in FIR No.0038 dated 19.04.2021, under Sections 452, 323, 506, 34 IPC, registered at Police Station Sadar Ahmedgarh, District Malerkotla (Annexure P-2), along with all consequential proceedings arising therefrom is hereby quashed *qua* the petitioner.

May 09th, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE