

CRM-M-30768 of 2021 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30768 of 2021 (O & M)

Date of decision: 20.07.2023

Gurbhej Singh and ors.

..... Petitioner(s)

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rahul Kumar Prashar, Advocate,
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. B.B.S. Randhawa, 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 G.D. No.022 dated 03.06.2021 (in FIR No.0038 dated 02.06.2021) under Sections 324/323/148/149 IPC and Section 326 IPC (added later on) at Police Station Qadian, Police District Batala and all subsequent proceedings arising therefrom on the basis of compromise dated 24.06.2021 (Annexure P-2).

Vide orders dated 11.10.2022 and 12.04.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their

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statements recorded in terms of certain parameters given in the aforesaid order dated 11.10.2022 with regard to the compromise (Annexures P-2).

In terms of the orders dated 11.10.2022 and 12.04.2023 passed by this Court parties (respondent No.2-Kanwaljot Singh @ Kamaljot Singh got recorded his statement through Video Conference annexed in connected case bearing CRM-M-30765-2021) have appeared before the court of Judicial Magistrate Ist Class, Batala and as per the report dated 15.11.2022 submitted to this Court, both the parties (complainant-respondent No.3 also suffered stated on behalf of his son-Kamaljot Singh/respondent No.3) 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 dated 15.11.2022 of the

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both the parties, the present cross case registered vide G.D. No.022 dated 03.06.2021 (in FIR No.0038 dated 02.06.2021) under Sections 324/323/148/149 IPC and Section 326 IPC (added later on) at Police Station Qadian, Police District Batala, and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 20, 2023
sukhpreet

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