

247-2

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

CRM-M No.35935 of 2022

Date of Decision: 25.01.2023

Gurdev Singh and others

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioners.

Mr. Gurpreet Singh Shergill, AAG, Punjab.

Mr. Satvir Singh, Advocate
for respondent No.2.

GURBIR SINGH, J (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of GD Report No.31, dated 06.05.2022, cross case under Sections 323, 324, 148, 149 of IPC, registered in FIR No.36, dated 05.05.2021, under Sections 323, 324, 506, 148, 149 of IPC (Section 326 IPC added later on), registered at Police Station Ghanie Ke Bangar, District Batala/Gurdaspur and all the subsequent proceedings arising therefrom, on the basis of compromise by way of affidavit dated 13.07.2022 effected between the parties.

Learned counsel for the parties have stated that the present FIR may be quashed as the parties have amicably settled the dispute.

During the course of preliminary hearing, the trial Court was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise by this Court.

In compliance thereof, report dated 01.10.2022 from the learned Judicial Magistrate Ist Class, Batala has been received through the District & Sessions Judge, Gurdaspur, with statements of the parties, in which, it has been mentioned that the compromise is valid and has been effected without any kind of influence or coercion.

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 fully in consonance with the direction issued by the Court in “Kulwinder Singh and others vs. State of Punjab and another”, 2007(3) RCR (Criminal) 1052 and “Gian Singh vs. State of Punjab and another”, 2012 (4) RCR (Criminal) 543.

In view of the aforesaid report of the learned learned Judicial Magistrate Ist Class, Batala accompanied by statement of both the parties, the instant petition is allowed. Consequently, the impugned GD Report No.31, dated 06.05.2022, cross case under Sections 323, 324, 148, 149 of IPC, registered in FIR No.36, dated 05.05.2021, under Sections 323, 324, 506, 148, 149 of IPC (Section 326 IPC added later on), registered at Police Station Ghanie Ke Bangar, District Batala/Gurdaspur, and all subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise, *qua* the petitioners only.

25.01.2023

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(GURBIR SINGH)
JUDGE

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