

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34636-2023 (O & M)

Date of decision: December 05, 2023

Kuldip Singh and others

..... Petitioners

V/s

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Anmol Jeevan Singh Gill, Advocate
for the petitioners.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Gursharan Singh, Advocate,
for the complainant/respondent Nos. to to 4.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of cross-case vide DDR No.40 dated 17.07.2020 registered registered under Sections 323, 324, 452, 148, 149 IPC in FIR No. 140 dated 04.07.2020, registered under Sections 323, 324, 452, 148, 149 IPC (Section 307 IPC has been added later on) at Police Station Chattiwind, District Amritsar Rural and all other consequential proceedings arising therefrom on the basis of compromise dated 31.05.2023 entered into between the parties.

Vide order dated 20.07.2023, this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with

regard to the compromise (Annexure P-3) and the Illaqa Magistrate/Trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 20.07.2023 passed by this Court , parties have appeared before the Court of Additional Sessions Judge, Amritsar and as per report dated 02.12.2023 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 Sessions Judge, Amritsar accompanied by the joint statements of both the parties, the present DDR No.40 dated 17.07.2020 registered registered under Sections 323, 324, 452, 148, 149 IPC in FIR No. 140 dated 04.07.2020, registered under Sections 323, 324, 452, 148, 149 IPC (Section 307 IPC has been

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added later on) at Police Station Chattiwind, District Amritsar Rural and all other consequential proceedings arising therefrom on the basis of compromise dated 31.05.2023, are hereby quashed qua the petitioners only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 05, 2023

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