

CRM-M-36244-2023

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270/A IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

CRM-M-36244-2023

Date of Decision : December 18, 2023

Sokha @ Baljit and and others

.....Petitioners

Versus

State of Punjab & another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Karan Bansal, Advocate for
Mr Santosh Kumar Yadav, Advocate
for the petitioners.

Ms. Ramta K. Chaudhary, DAG, Punjab.

Mr. P.S. Jammu, Advocate
for respondent No..2

JASJIT SINGH BEDI, J. (ORAL)

The petition under Section 482 Cr.P.C. has been filed for quashing of DDR No.45 dated 28.01.2023 (Annexure P-2) under Sections 323, 324, 326, 148, 149 IPC, registered at Police Station Shahkot, District Jalandhar Rural as cross case of FIR No.19 dated 28.01.2023 (Annexure P.1) under Sections 323, 324, 34 IPC, registered at Police Station Shahkot, District Jalandhar Rural and all the consequential proceedings arising therefrom, on the basis of compromise dated 17.04.2023 (Annexure P-3) entered into between the parties.

Vide order dated 27.07.2023, this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 27.07.2023 with regard to the compromise dated 17.04.2023 (Annexure P-3).

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In terms of the order dated 27.04.2023 passed by this Court parties have appeared before the Court of Judicial Magistrate 1st Class, Nakodar and as per report dated 10.11.2023 submitted to this Court, both the parties have got recorded their respective statements in Court.

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 learned Judicial Magistrate 1st Class, Nakodar, accompanied by statements of the parties, DDR No.45 dated 28.01.2023 (Annexure P-2) under Sections 323, 324, 326, 148, 149 IPC, registered at Police Station Shahkot, District Jalandhar Rural as cross case of FIR No.19 dated 28.01.2023 (Annexure P.1) under Sections 323, 324, 34 IPC, registered at Police Station Shahkot, District Jalandhar Rural and all the consequential proceedings arising therefrom, on the basis of compromise dated 17.04.2023 (Annexure P-3) entered into between the parties, are, hereby, quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 18, 2023
satish

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

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