

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

**CRM-49641-2023 in/and
CRM-M-47306-2023
Date of decision: 04.12.2023**

JAGSEER RAM AND OTHERS

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Gaurav Sharma, Advocate for the petitioners.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Amit Kumar, Advocate for respondent No.2.

SANJIV BERRY, J. (ORAL)

CRM-49641-2023

The instant application under Section 482 Cr.P.C. has been filed for recalling the order dated 20.10.2023, whereby CRM-M-47306-2023 has been dismissed for want of prosecution and for restoration of CRM-M-47306-2023 at its original number.

2. At the very outset, learned counsel for the applicants-petitioners submits that due to typographical error, the date has been mentioned as 20.10.2023, whereas it should have been 06.11.2023 as the date when the order for dismissal had been passed in the aforesaid case.

3. The perusal of the record reveals that the aforesaid CRM-M-47306-2023 was dismissed for want of prosecution on 06.11.2023, therefore the aforesaid request of learned counsel for the applicant-petitioner is accepted.

4. It is further contended by learned counsel for the applicants-petitioners that on the date fixed in aforesaid CRM-M-47306-2023, he could

not appear in the Court as he was busy in some personal work, due to which the aforesaid petition has been dismissed for want of prosecution.

5. Learned counsel for the respondent No.2 has also pleaded no objection.

6. Keeping in view the submissions made by learned counsel for the applicants-petitioners and in the interest of justice, CRM-M-47306-2023 which was dismissed for want of prosecution on 06.11.2023 is ordered to be restored to its original number and position and is ordered to be taken on Board today.

7. Registry to do the needful.

8. Application stands disposed of.

MAIN CASE

Report dated 19.10.2023 received from learned Judicial Magistrate Ist Class, Sunam, had been perused.

2. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners seek quashing of Complaint bearing No.COMI-109-2016 titled '*Amarjit Kaur Versus Jagseer Ram*' filed under Sections 452, 323, 324, 325, 148 and 149 of IPC pending in the Court of learned Judicial Magistrate Ist Class, Sunam, District Sangrur (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 21.10.2022 (Annexure P-2) executed between the parties.

3. With the intervention of respectables and elderly people of the society, the parties have arrived at a settlement vide compromise deed/affidavit dated 21.10.2022 (Annexure P-2), which is duly signed by them. The matter was referred to the Court below for recording of statements

of the parties and to report with respect to genuineness of the compromise arrived at between the parties. Judicial Magistrate Ist Class, Sunam, District Sangrur, vide report dated 19.10.2023, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

4. Respondent No. 2 is represented by his counsel and does not oppose the compromise.

5. In view of the report of the Judicial Magistrate Ist Class, Sunam, District Sangrur, and in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners/ accused persons.

6. In the circumstances, the present petition is allowed. Complaint bearing No. COMI-109-2016 titled ‘Amarjit Kaur Versus Jagseer Ram’ filed under Sections 452, 323, 324, 325, 148 and 149 of IPC pending in the Court of learned Judicial Magistrate Ist Class, Sunam, District Sangrur (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioners.

(SANJIV BERRY)
JUDGE

04.12.2023

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |