

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

CRM-M-40847-2022

Date of Decision:-18.01.2023

Rakesh Jain & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

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

Present:- Mr. Vikas Kumar, Advocate for the Petitioners.

Mr. Aman Dhir, Deputy Advocate General, Punjab.

Mr. Vivek Sharma Vashisht, Advocate for
respondent nos.2 to 5.

JASJIT SINGH BEDI, J.(ORAL)

The present petition has been filed for quashing of Cross Case registered vide GD No.34 dated 16.06.2022 under Sections 323, 341, 506 and 34 IPC at Police Station Daresi, Ludhiana (Annexure P-2) in case FIR No.85 dated 15.6.2022 under Sections 323, 341, 506, 148, 149, 427, 353, 186 registered with Police Station Daresi, Ludhiana and all other consequential proceedings arising therefrom, on the basis of compromise dated 18.08.2022 (Annexure P-3) entered into between the parties.

Vide order dated 09.09.2022 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 09.09.2022 with regard to the compromise dated 18.08.2022 (Annexure P-3) arrived at between the parties.

In terms of the order dated 09.09.2022 passed by this Court parties have appeared before the court of Ms. Rajbeer Kaur, Judicial

Magistrate Ist Class, Ludhiana and as per report dated 17.11.2022 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 Ist Class, Ludhiana accompanied by statements of both the parties, the Cross Case registered vide GD No.34 dated 16.06.2022 under Sections 323, 341, 506 and 34 IPC at Police Station Daresi, Ludhiana (Annexure P-2) in case FIR No.85 dated 15.6.2022 under Sections 323, 341, 506, 148, 149, 427, 353, 186 registered with Police Station Daresi, Ludhiana and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 18, 2023

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