

CRM-M-46923 of 2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46923 of 2022 (O & M)

Date of decision: 16 .01.2023

Happy and ors.

..... Petitioner(s)

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Ekta Thakur, Advocate,
for the petitioner(s).

Ms. Ramta Chaudhary, DAG, Punjab.

Mr. Deepak Malhotra, Advocate,
for Mr. Ram Parkash Dhir, Advocate,
for the respondent Nos.2 to 4.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of cross case registered vide DDR No.22 dated 25.09.2022 under Sections 452, 323, 324, 148 and 149 IPC with Police Station Sadar, Distt. Hoshiarpur, in FIR No. 150 dated 25.09.2022 under Sections 452, 323, 324, 148 and 149 IPC registered with Police Station Sadar, Distt. Hoshiarpur and all subsequent proceedings arising therefrom on the basis of compromise dated 27.09.2022 (Annexure P-3).

Vide order dated 12.10.2022 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 12.10.2022 with regard to the compromise (Annexures P-3).

In terms of the orders dated 12.10.2022 passed by this Court parties have appeared before the court of Additional Chief Judicial Magistrate, Hoshiarpur and as per the report dated 03.01.2023 submitted to this Court, both the parties have got recorded their respective statements in

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 Chief Judicial Magistrate, Hoshiarpur, accompanied by the joint statement of both the parties, the present cross case registered vide DDR No.22 dated 25.09.2022 under Sections 452, 323, 324, 148 and 149 IPC with Police Station Sadar, Distt. Hoshiarpur, in FIR No. 150 dated 25.09.2022 under Sections 452, 323, 324, 148 and 149 IPC registered with Police Station Sadar, Distt. Hoshiarpur and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 16, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No