

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-60649-2022 (O & M)

Date of decision: 03.05.2023

Jagdish @ Jagjeet Singh and ors.

..... Petitioners

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Munish Kumar Garg, Advocate,
and Mr. Tajveer Singh, Advocate, for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

Ms. Bhavna Thakur, Advocate,
and Mr. Vikas Mehra, Advocate, for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the protest petition/complaint dated 19.03.2016 (Annexure P-1) filed by respondent No.2 in case titled as 'Suresh versus Jagdish Etc. bearing No.1235/2016 registration No.31/2016 and CRN No.HRJN030012052016 under Sections 307, 325, 323, 364 and 34 IPC arising out of FIR No.183 dated 25.03.2011 registered at Police Station City Jind, District Jind lodged by SHO, Police Station City Jind and all consequential proceedings arising therefrom on the basis of compromise dated 20.12.2022 (Annexure P-6) arrived at between the parties.

Vide order dated 23.12.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise (Annexure P-6) 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 23.12.2022 passed by this Court parties have appeared before the court of Chief Judicial Magistrate, Jind, and

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as per report dated 20.01.2023 submitted to this Court, both the parties have got recorded their respective statements.

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.***

So far as the injury attracting Section 307 IPC is concerned, the learned counsel for the petitioners refers to the opinion of the doctor (Annexure P-9) to contend that the injuries have not been found to be dangerous to life. In this view of the matter, the possibility of recording a conviction under Section 307 IPC is unlikely.

Keeping in view the report dated 20.01.2023 of the Chief Judicial Magistrate, Jind, accompanied by the joint statement of both the parties, the protest petition/complaint dated 19.03.2016 (Annexure P-1) filed by respondent No.2 in case titled as 'Suresh versus Jagdish Etc. bearing No.1235/2016 registration No.31/2016 and CRN No.HRJN030012052016 under Sections 307, 325, 323, 364 and 34 IPC arising out of FIR No.183 dated 25.03.2011 registered at Police Station City Jind, District Jind lodged by SHO, Police Station City Jind and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 03,2023