

2024:PHHC:107654



CRM-M- 30337 of 2024 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(287-a)

CRM-M-30337 of 2024 (O & M)
Date of decision: 21.08.2024

Sanjiv Kumar and ors.

..... Petitioner(s)

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kanhiya Goyal, Advocate,
for the petitioner(s).

Mr. Malkit Singh Dhillon, DAG, Punjab.

Mr. Bhanu Chaudhary, Advocate,
for respondents No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of cross-case bearing General Diary No.38 dated 02.06.2024 under Sections 323, 324, 148, 149 IPC registered at Police Station Sardulgarh, Mansa, Punjab in FIR No. 0077 dated 02.06.2024 under Sections 323, 324, 148, 149, 341 IPC and Section 379-B IPC (added later on) registered at Police Station Sardulgarh, Mansa, Punjab and all subsequent proceedings arising therefrom on the basis of compromise dated 06.06.2024 (Annexure P-3).

Vide order dated 21.06.2024 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in

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terms of certain parameters given in the aforesaid order dated 21.06.2024 with regard to the compromise (Annexure P-3).

In terms of the order dated 21.06.2024 passed by this Court parties have appeared before the court of Sub Divisional Judicial Magistrate, Sardulgarh, and as per the report dated 07.08.2024 submitted to this Court, both the parties have got recorded their respective statements in Court.

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 Sub Divisional Judicial Magistrate, Sardulgarh, accompanied by the joint statement of both the parties, the present cross-case bearing General Diary No.38 dated 02.06.2024 under Sections 323, 324, 148, 149 IPC registered at Police Station Sardulgarh, Mansa, Punjab FIR No. 0077 dated 02.06.2024 under Sections 323, 324, 148, 149, 341 IPC and Section 379-B IPC (added later

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on) registered at Police Station Sardulgarh, Mansa, Punjab and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 21, 2024
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No