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2024:PHHC:004543

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34168-2023

Date of decision :15.01.2024

LAKHWINDER SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. Saurav Bhatia, Advocate
for respondent Nos.2 & 3.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of cross-case registered vide DDR No.30 dated 12.09.2022 under Sections 323, 325, 34 IPC (Annexure P-1) in case FIR No.63 dated 05.09.2022 (Annexure P-2) registered under Sections 323, 341, 148, 149, 506 IPC and Section 325 IPC (added later on) at Police Station Balachaur, District Shaheed Bhagat Singh Nagar along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 19.07.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 15.06.2023 (Annexures P-4 & P-5) 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 19.07.2023 passed by this Court, the parties have appeared before the learned Sub Divisional Judicial Magistrate, Balachaur and as per the report dated 28.11.2023

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 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”***.

Further, the learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739-2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017, Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019*** and ***Vimal Kalra & others Versus State of Punjab & another, CRM-M-20355-2022, decided on 25.07.2022*** submits that partial quashing of the FIR was possible on the basis of a compromise.

In view of the aforesaid report of the learned Sub Divisional Judicial Magistrate, Balachaur accompanied by statements of both the parties, the DDR No.30 dated 12.09.2022 under Sections 323, 325, 34 IPC (Annexure P-1) in case FIR No.63 dated 05.09.2022 (Annexure P-2) registered under Sections 323, 341, 148, 149, 506 IPC and Section 325 IPC (added later on) at Police Station Balach, District Shaheed Bhagat Singh Nagar along with all consequential proceedings arising therefrom are hereby quashed qua the petitioner only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

15.01.2024
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No