

CRM-M-60706 of 2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M- 60706 of 2023 (O & M)
Date of decision: 24.04.2024

Channan Singh and ors.

..... Petitioner(s)

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ravinder Pal Singh, Advocate,
for Mr. Tejinder Pal Singh, Advocate,
for the petitioner(s).

Mr. Daksh Azad, AAG, Punjab.

Mr.G.B.S. Gill, Advocate,
for respondents No.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of G.D. No. 002 dated 16/06/2019 under Sections 341, 323, 34 IPC in case FIR No.0071 dated 15.06.2019 under Sections 324, 341, 323 and 34 IPC registered at Police Station Bahawala, District Fazilka and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 04.12.2023 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 04.12.2023 with regard to the compromise (Annexure P-2).

In terms of the order dated 04.12.2023, passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class, Abohar and as per the report dated 16.02.2024 submitted to this Court, both the parties (including the statements of Baljeet Singh and Amandeep Singh sons of the complainant-Mahinder Singh who is stated to have expired

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during the pendency of the proceedings) 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 Judicial Magistrate Ist Class, Abohar, accompanied by the joint statement of both the parties, the present cross-case registered vide G.D. No. 002 dated 16/06/2019 under Sections 341, 323, 34 IPC in case FIR No.0071 dated 15.06.2019 under Sections 324, 341, 323 and 34 IPC registered at Police Station Bahawala, District Fazilka and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 24, 2024
sukhpreet

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