

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-1632-2022

Date of Decision:-15.09.2022

Gurdeep Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Tarun Sharma, Advocate for the Petitioner.

Mr. Ravinder Singh, Assistant Advocate General, Punjab.

Mr. Sultan Singh Gill, Advocate for
Mr. Harmandeep Singh, Advocate for respondent nos.2 to 4.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for quashing of FIR No.267 dated 04.11.2007 (Annexure P-1) under Sections 452, 323, 336, 506, 148, 149 IPC (Section 307 IPC added later on) and Sections 25 & 27 of Arms Act registered at Police Station Sadar Ferozepur, District Ferozepur and all consequential proceedings arising therefrom on the basis of compromise dated 22.11.2020 (Annexure P-3) arrived at between the parties.

Vide order dated 21.04.2022 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 21.04.2022 with regard to the compromise dated 22.11.2020 (Annexure P-3).

In terms of the orders dated 21.04.2022 passed by this Court parties have appeared before the court of Mr. Hardip Singh, Additional District & Sessions Judge, Ferozepur and as per his report dated 21.07.2022 submitted to this Court, both the parties have got recorded their respective

statements in Court.

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 the present case, undoubtedly, the FIR has been registered under Section 307 IPC and therefore, the question would be as to whether the FIR could be quashed.

The Hon'ble Supreme Court in ***Narinder Singh and Others vs State of Punjab and Another, 2014 (2) RCR (Criminal) 482***, and ***State of Madhya Pradesh vs Laxmi Narayan and Others, 2019(2) RCR (Criminal) 255***, have categorized those cases where quashing on the basis of compromise was permitted and those in which, it was not permitted. It was further observed that the Court concerned may look into the medical evidence and examine the same to see as to whether the conviction under Section 307 of the IPC was possible or not.

Thus, mere registration of an FIR under Section 307 did not foreclose the right of the petitioner/accused to effect a compromise and get the FIR quashed.

In the present case, no injury was caused by gunshot, therefore, the possibility of conviction under Section 307 IPC is unlikely. All the other injuries are simple in nature. Therefore, in the present case if a conviction was to be recorded, in all probabilities it would be one under Section 326 IPC and not under Section 307 IPC. It has been so held in ***Atma Singh Vs. The State of Punjab 1980 PLR 719***, ***Mohinder Singh & Ors. Vs. State of Punjab 2012(4) RCR (Criminal) 214***, ***Narender Singh Vs. State of Haryana & Ors. 2020(3) RCR (Criminal) 66***, ***Mehmood Akhtar Vs. State of Punjab 2014(16) RCR (Criminal) 43*** & ***Pritam Singh***

& Anr. Vs. State of Punjab Crl. Appeal No.1126-SB-1999 Decided on 25.02.2010.

In view of the above, the present petition is allowed and the FIR No.267 dated 04.11.2007 (Annexure P-1) under Sections 452, 323, 336, 506, 148, 149 IPC (Section 307 IPC added later on) and Sections 25 & 27 of Arms Act registered at Police Station Sadar Ferozepur, District Ferozepur along with all the consequential proceedings arising therefrom are hereby quashed on the basis of a compromise dated 22.11.2020 (Annexure P-3) qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 15, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>