

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10056-2022 (O & M)

Date of decision:08.12.2022

Davinder Singh and ors.

..... Petitioners

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Shivender Pal Singh, Advocate, for the petitioners.

Ms. Ramta Chaudhary, DAG, Punjab.

Mr. Mohit Giri, Advocate,
for Ms. Amarjot Kaur, Advocate, for respondents No.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No.194 dated 14.12.2021 under Sections 307, 452, 506, 427, 148, 149 IPC and Sections 25 & 27 of the Arms Act, 1959 registered at Police Station Kot Ise Khan, District Moga alongwith all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 19.04.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 14.02.2022 (Annexure P-2) 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 19.04.2022 passed by this Court, the parties have appeared before the Additional Sessions Judge, Moga and as per the report dated 08.06.2022 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"**.

Since it is a case where no injury has been caused to the complainant party, the possibility of recording the conviction under Section 307 IPC would be remote.

Further, the learned counsel for the petitioners, 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, CRMM-20355-2022, decided on 25.07.2022** submits that partial quashing of the FIR was possible on the

Keeping in view the law laid down by this Court in the
aforementioned judgments and the report of the Additional Sessions Judge,
Moga, the FIR No. 194 dated 14.12.2021 under Sections 307, 452, 506, 427,
148, 149 IPC and Sections 25 & 27 of the Arms Act, 1959 registered at
Police Station Kot Ise Khan, District Moga, along with all the consequential
proceedings arising therefrom, are hereby quashed qua the petitioners only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 08, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No