

(274) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16910-2022

Date of decision :24.08.2022

Mohd. Danish @ Sanju & others

... Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sunny K. Singla, Advocate for the petitioners.

Mr. Ravinder Singh, Asstt. A.G., Punjab.

Mr. M.S. Yadav, Advocate for respondent Nos.2 and 3.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.49 dated 28.05.2021 (Annexure P-1) registered under Sections 307, 452, 323, 506, 148, 149 of the IPC at Police Station City-II, Malerkotla along with all the consequential proceedings arising therefrom on the basis of a compromise in the shape of affidavits dated 26.07.2021 and 09.04.2022 (Annexures P-2 and P-3 respectively), arrived at between the parties.

Vide order dated 25.04.2022 passed by this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the aforesaid compromise.

The Illaqa Magistrate/trial Court was to submit a report in this aforesaid regard giving certain details as enumerated in the said order.

Pursuant to the order dated 25.04.2022, the parties have appeared before the learned Judicial Magistrate, 1st Class, Malerkotla and as per the report dated 18.08.2021 submitted to this Court by the learned

Magistrate, 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***”.

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

This Court was informed by the learned counsel for the petitioners that it is a case of no injury, which fact has been admitted by the learned counsel for respondent Nos.2 and 3 as also the State counsel.

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, as is apparent, it is a case of no injury. Hence, with a view to put a quietus to the incident between the parties, it would be in the interest of justice to quash the proceedings on the basis of compromise. Even as per the FIR, no injury has been caused by the petitioners to complainant and the possibility of a conviction being recorded under Section 307 IPC is extremely unlikely.

In view of the above, the present petition is allowed. FIR No.49 dated 28.05.2021 (Annexure P-1) registered under Sections 307, 452, 323, 506, 148, 149 of the IPC at Police Station City-II, Malerkotla along with all the consequential proceedings arising therefrom are hereby quashed on the basis of a compromise in the shape of affidavits dated 26.07.2021 and 09.04.2022 (Annexures P-2 and P-3 respectively).

(JASJIT SINGH BEDI)
JUDGE

24.08.2022

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No