

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

CRM-M-19013-2021(O&M)

Date of Decision:-29.10.2022

Avtar Singh @ Raju & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

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

Present:- Mr. Deep Singh, Advocate for the Petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Neeraj Yadav, Advocate for respondent nos.2 to 5.

JASJIT SINGH BEDI, J.(ORAL)

CRM-39794-2022

The prayer in the application under Section 482 Cr.PC is for preponement of the date of hearing from 09.02.2023 to some early date.

For the reasons stated in the application duly supported by affidavit of one of the petitioner, the same is allowed and date of hearing of the main petition is preponed from 09.02.2023 to today itself and same is taken up for hearing.

CRM-M-19013-2021

The Prayer in this petition is for quashing of FIR No.0185 dated 21.09.2020 (Annexure P-1) under Sections 336, 148, 149 IPC and Sections 25 & 27 of Arms Act (Section 307 IPC added later on vide GDR No.033 dated 12.10.2020) registered at Police Station Boha, District Mansa and all consequential proceedings arising therefrom on the basis of compromise dated 04.01.2021 (Annexure P-2) arrived at between the parties.

Vide order dated 06.07.2021 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 06.07.2021 with regard to the compromise dated 04.01.2021 (Annexure P-2).

In terms of the orders dated 06.07.2021 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class, Budhlada and as per his report dated 10.08.2021 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 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 also under the provisions of the Arms Act and, therefore, the question would be as to whether the FIR could be quashed.

This court has been informed by the learned Counsel for the petitioners that it is case of no injury, which fact has been admitted by the learned Counsel for respondent nos.2 to 5 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, thus the chances of conviction of the petitioner under Section 307 IPC are bleak. More so it is a case of version and cross version and the FIR No.0186 dated 21.09.2020 under Sections 307, 341, 148, 149 IPC and Sections 25 & 27 of Arms Act registered at Police Station Boha, District Mansa. 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.0185 dated 21.09.2020 (Annexure P-1) under Sections 336, 148, 149 IPC and Sections 25 & 27 of Arms Act (Section 307 IPC added later on vide GDR No.033 dated 12.10.2020) registered at Police Station Boha, District Mansa along with all the consequential proceedings arising therefrom are hereby quashed on the basis of a compromise 04.01.2021 (Annexure P-2) qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 29, 2022

Vinay

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