

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19739-2022 (O & M)

Date of decision: 18.10.2022

Varinder Kumar @ Kala

..... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vinod K. Kaushal, Advocate,
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Raman Kumar, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of an FIR No.0132 dated 20.04.2022 under Sections 452, 379, 336, 323, 506, 427, 148 and 149 IPC and Sections 25, 27 of the Arms Act registered with Police Station Maqboolpura, District Police Commissionerate Amritsar, and all consequential proceedings arising therefrom on the basis of compromise dated 27.04.2022 (Annexure P-2) arrived at between the parties.

Vide order dated 09.05.2022 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 09.05.2022 with regard to the compromise (Annexure P-2).

In terms of the order dated 09.05.2022 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class, Amritsar. and as per his report dated 21.09.2022 submitted to this Court,

both the parties have got recorded their respective statements in Court. As per the statement of the ASI Gurpreet Singh dated 31.05.2022 made before the Trial Court, there are total 09 accused persons, namely, Rohit Kumar, Prince Kumar, Baljinder Singh, Prabh, Rinku, Tonny, Seepa and Pagga and only accused-Varinder Kumar (petitioner herein) has been arrested and the remaining 08 accused are yet to be arrested.

A perusal of the aforesaid report dated 21.09.2022 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.***

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 and Bhoj Raj Vs. State of Punjab &***

another, CRM-24945-2019 decided on 27.09.2019, submits that partial quashing of the FIR was possible on the basis of a compromise.

In view of the law laid down in the aforesaid judgments and report of the Judicial Magistrate Ist Class, Amritsar, accompanied by the joint statement of both the parties, the proceedings qua the present FIR No. 0132 dated 20.04.2022 under Sections 452, 379, 336, 323, 506, 427, 148 and 149 IPC and Sections 25, 27 of the Arms Act registered with Police Station Maqboolpura, District Police Commissionerate Amritsar, and all consequent proceedings arising therefrom are hereby quashed qua the petitioner herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 18, 2022
sukhpreet

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