

**(132+251) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-23935-2022
Date of decision : 30.09.2022

SIMRANJEETSINGH ALIAS SAI AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Angel Walia, Advocate the petitioners.
Mr. Ravinder Singh, Asstt. A.G., Punjab.

Mr. Sourabh Arora, Advocate for respondent Nos.2 and 3.

JASJIT SINGH BEDI, J. (ORAL)

The present petition has been filed for quashing of an FIR No.147 dated 05.12.2015 (Annexure P-1) registered under Sections 307, 427, 506, 148, 149 IPC and Sections 25/27 of Arms Act, 1959 (Section 336 IPC added and Section 307 IPC deleted vide Annexure P-2) at Police Station Raja Sansi, District Amritsar Rural, Amritsar and all other consequential proceedings arising therefrom, on the basis of compromise entered into between the parties.

The learned counsel for the petitioners submit that Section 336 of the IPC was added and Section 307 IPC has been deleted later on vide G.D. No.27 dated 25.07.2016 (Annexure P-2) at Police Station Rajasansi, District Amritsar.

Vide orders dated 31.05.2022/18.08.2022/31.08.2022 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 orders dated 31.05.2022/18.08.2022/31.08.2022, the parties have appeared before the learned Sub Divisional Judicial Magistrate, Ajnala and as per the report dated 22.09.2022 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 view of the above, the present petition is allowed. FIR No.147 dated 05.12.2015 (Annexure P-1) registered under Sections 307, 427, 506, 148, 149 IPC and Sections 25/27 of Arms Act, 1959 (Section 336 IPC added and Section 307 IPC deleted vide Annexure P-2) at Police Station Raja Sansi, District Amritsar Rural, Amritsar along with all the consequential proceedings arising therefrom are hereby quashed qua the petitioners only.

(JASJIT SINGH BEDI)
JUDGE

30.09.2022

JITESH

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