

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-787-2021 (O & M)

Date of decision: 21.09.2022

Heera Singh

..... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Veneet Sharma, Advocate, for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Deepak Aggarwal, Advocate,
for respondent No.2-complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.17 dated 04.02.2020 under Sections 307, 452 IPC and Sections 25, 27 of the Arms Act, 1959 registered at Police Station City Patti, District Tarn Taran and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 19.02.2020 (Annexure P-2) arrived at between the parties.

Vide order dated 05.04.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise (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 05.04.2022 passed by this Court parties have appeared before the court of Sub Divisional Judicial Magistrate,

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.***

As per the short reply dated 15.03.2021 filed by way of affidavit of Kuljinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Patt, District Tarn Taran, initially, the FIR has been registered under Sections 307, 452 IPC and Sections 25/27 of the Arms Act. However, during investigation, offences under Sections 307/452 IPC and Section 25 of the Arms Act, have not been made out and these sections have been deleted in the present case vide DDR No.16 dated 15.03.2021. As per the affidavit dated 23.11.2021 filed on behalf of Havinder Singh Virk, PPS, Senior Superintendent of Police, Tarn Taran, District Tarn Taran, the investigation in the present case is now being conducted under Sections 324/201 IPC and Section 25 of the Arms Act.

Keeping in view the report dated 27.04.2022 of the Sub Divisional Judicial Magistrate, Patti, accompanied by the joint statement of both the parties, the FIR No.17 dated 04.02.2020 under Sections 307, 452 IPC and Sections 25, 27 of the Arms Act, 1959 registered at Police Station City Patti, District Tarn Taran and all consequential proceedings arising therefrom are hereby quashed qua the petitioner herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 21, 2022

sukhpreet

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