

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28510-2022 (O & M)

Date of decision:08.09.2022

Pardeep Singh and ors.

..... Petitioners

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Surjit Singh Swaich, Advocate, for the petitioners.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Gurwinder Singh, Advocate,
for respondents No.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.31 dated 05.04.2022 under Sections 341, 323, 506, 336, 148, 149 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Doraha, Police District Khanna, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

Vide order dated 07.07.2022 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 07.07.2022 with regard to the compromise (Annexure P-2).

Pursuant to the order dated 07.07.2022 passed by of this Court, the parties have appeared before the Sub Divisional Judicial Magistrate, Payal, and as per the report dated 02.09.2022 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 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.

Keeping in view the law laid down by this Court in the aforementioned judgments and the report of the Sub Divisional Judicial Magistrate, Payal, the FIR No. 31 dated 05.04.2022 under Sections 341, 323, 506, 336, 148, 149 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Doraha, Police District Khanna, District Ludhiana, along with all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioners only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 08, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No