

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-37634-2022 (O & M)

Date of decision: 20.12.2022

Jashandeep Singh and ors.

..... Petitioners

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amritpal Singh Gill, Advocate, for the petitioners.

Ms. Ramta Chaudhary, DAG, Punjab.

Mr. R.S. Punia, Advocate, for Mr. D.S. Virk, Advocate,
for respondent No.2-complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.117 dated 06.06.2022 under Sections 307, 341, 323, 365, 511, 506, 148 and 149 IPC and Section 25 of the Arms Act registered with Police Station City Samana, District Patiala and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

Vide order dated 25.08.2022 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 25.08.2022 passed by this Court parties have appeared before the court of Sub Divisional Judicial Magistrate, Samana, and as per her report dated 23.11.2022 submitted to this Court, both

the parties have got recorded their respective statements in Court. As per the said report, the accused-Gurpreet Singh @ Guri is involved in 10 other cases.

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.***

The possibility of conviction under Section 307 IPC is extremely unlikely in view of the fact that there is no injury with the firearm.

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

Keeping in view the law laid down by this Court in the aforesaid judgments and the report dated 23.11.2022 of the Sub Divisional Judicial Magistrate, Samana accompanied by the joint statement of both the parties, the present FIR No.117 dated 06.06.2022 under Sections 307, 341, 323, 365, 511, 506, 148 and 149 IPC and Section 25 of the Arms Act registered with Police Station City Samana, District Patiala and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 20, 2022
sukhpreet

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