

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-46686-2021

Date of decision : 28.09.2022

BALWINDER SINGH @ BALLA

... Petitioner(s)

Versus

THE STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Khushika Setia, Advocate for
Mr. S.S. Sarwara, Advocate for the petitioner(s).

Mr. Ravinder Singh, Asstt. A.G., Punjab.

Mr. S.P.S. Chakkal, Advocate for respondent No.2 to 4.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.65 dated 07.08.2014 (Annexure P-1) registered under Sections 307, 323, 506, 148, 149 IPC and Sections 25, 54, 59 of Arms Act, 1959 at Police Station Rajpura, District Patiala (Challan under Sections 325, 323, 324, 506, 201, 148, 149 of IPC and Sections 25, 54, 59 of Arms Act, 1959) along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The learned State counsel submits that Section 307 IPC has been deleted at the time of submission of challan.

Vide order dated 16.11.2021 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise/mutual agreement dated 01.09.2021 (P-4).

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 16.11.2021 passed by this Court, the parties have appeared before the learned Judicial Magistrate, 1st

Class, Rajpura and as per the report dated 13.12.2021 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 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”***.

In view of the aforesaid report of the learned Judicial Magistrate, 1st Class, Rajpura accompanied by statements of both the parties, the FIR No.65 dated 07.08.2014 (Annexure P-1) registered under Sections 307, 323, 506, 148, 149 IPC and Sections 25, 54, 59 of Arms Act, 1959 at Police Station Rajpura, District Patiala (Challan under Sections 325, 323, 324, 506, 201, 148, 149 of IPC and Sections 25, 54, 59 of Arms Act, 1959) along with all consequential proceedings arising therefrom are hereby quashed qua the petitioner only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

28.09.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No