

CRM-M-29592-2022
Date of Decision:06.07.2023

VS.

Coram : Hon'ble Mr. Justice N.S.Shekhawat

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

N.S.Shekhawat J. (Oral)

2. As per the case of the prosecution, the FIR in the present case was got registered by Manpreet Singh son of Sukhdev Singh against the petitioners by alleging that at about 12:15 PM on 13.10.2018, he was returning from his crusher towards his home at Mohali in his Bolero Car and at about 12:30 PM, a Skoda Car bearing registration No.HR-26-AC-5729 came from behind and its driver blocked its way. Jasvir Singh @ Sheera alleged alighted from the driver

side and was carrying a pistol and a sword in his hand and was accompanied by unknown person, who was also holding a rod in his hand. After alighting from the vehicle, Jasvir Singh @ Sheera approached his car and forcibly dragged him out of the car, after opening the door of his car and told him that they would teach a lesson to him for driving his tipper (small truck) through this road. In the meantime, one white colour Alto bearing registration No. PB-65-AA-4625 also came and Laddi resident of village Siswan, also alighted from the driver seat and was accompanied by two unknown persons. They had rods and sticks in their hands and after surrounding the complainant, they started hurling the abuses on him. In the meantime, one Bolero vehicle also came and two unidentified persons alighted from the said vehicle. They were also holding rod in their hands. Jasvir Singh @ Sheera gave a blow with a sword over the right side of his head with an intention to kill him and raised a lalkara that they would be eliminated and thereafter, Laddi, Gaggi, Sonu, Jasvir Singh@ Sheera and four unknown person started beating him. The complainant fell down on the road, they extended a threat to him. Jasvir Singh@ Sheera placed the pistol on his ear and extended a threat that in case, he informed anyone about this incident, he would eliminate the complainant. While leaving, they also snatched his gold bracelet, ring, chain and Rs.22,000/- cash and fled away in their vehicle with their respective weapons. With these broad averments, the FIR in the present case was got registered by the complainant.

3. Vide the order dated 13.07.2022, passed by a Co-ordinate Bench of this Court, the directions were issued to the Illaqua Magistrate concerned to summon the petitioners and respondent No.2 and after recording their respective testifications and the authenticity of the compromise, he was directed

to make a report with respect to compromise and certain other facts to this Court. The Magistrate was also directed to disclose in his report (a) whether after completion of investigation, report under Section 173 Cr. PC has been filed; (b) whether charge has been drawn against the accused; (c) whether the prosecution evidence has commenced; and (d) whether all the concerned have signed the compromise deed.

4. In compliance of the said order, the petitioners as well as the respondent No.2 appeared before the Illaqua Magistrate concerned and got their statements recorded. As per the said report, the parties had entered into a compromise voluntarily and with their free will consent. As per the report submitted by the Judicial Magistrate First Class, Kharar, the compromise appeared to have been made voluntarily and genuine.

5. Pursuant to the notice, a short reply was filed by way of an affidavit of Deputy Superintendent of Police, Sub Division Kharar-II, District SAS Nagar (Mohali). As per the said reply, during the course of investigation, the statements of the witnesses were recorded under Section 161 Cr. PC. MLR of the complainant was obtained and examined. The supplementary statement of the complainant was recorded on 21.10.2018, the injury No.3 suffered by the complainant was stated to be grievous in nature and accordingly, the offence under Section 325 IPC was added into the array of sections, the same being made out. As per the reply, the petitioners were arrested in the present case and their respective weapons used by them in the commission of crime were recovered from them under Section 27 of the Indian Evidence Act. The offences under Section 25/27 Arms Act were deleted as the same were not made out. The offence under Section 201 IPC was also added in the present

case.

6. I have heard the learned counsel for the parties and with their able assistance, I have gone through the record carefully.

7. As per the reply, submitted by Deputy Superintendent of Police, Sub Division Kharar-II, District SAS Nagar, Mohali, the offences under Sections 25/27 of the Arms Act were deleted from the present case. Apart from that, it was also alleged that the injury No.3 suffered by the complainant was stated to be grievous in nature and Section 325 IPC was added. Consequently, the possibility of recording of a conviction under Section 307 IPC was unlikely. Apart from that, it appeared to be a business dispute between the parties and in view of the compromise between the parties, there are minimal chances of the witnesses coming forward to depose against all the petitioners. Apart from that, a perusal of the report submitted by Judicial Magistrate Ist Class, Kharar would show that the parties had effected a genuine compromise, without their being any pressure, coercion or undue influence. 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, where there are remote chances of conviction of the accused. The compromise in question is found to be fully in consonance with the directions issued by this Court in the matter of **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and **Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052** and the present petition for quashing the FIR is allowed qua the petitioners.

8. Resultantly, FIR No.67 dated 15.10.2018, registered under Sections 307, 379-B, 341, 323, 506, 148, 149, 325 and 201 IPC, Police

Station Mullanpur Garibdas, SAS Nagar (Annexure-P1) alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

06.07.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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