

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23359-2018 (O & M)

Date of decision: 10.04.2023

Ran Singh and ors.

..... Petitioners

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. M.K. Dhot, Advocate, for the petitioners.

Ms. Navreet Kaur Barnala, AAG, Punjab.

Mr. J.P.S. Sarao, Advocate, for respondents No.2 to 4.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.54 dated 14.04.2018 under Sections 307, 326, 323, 341, 148 and 149 IPC and Sections 25 & 27 of the Arms Act, 1959 registered at Police Station Samana, District Patiala and all consequential proceedings arising therefrom on the basis of compromise dated 21.05.2018 (Annexure P-2) arrived at between the parties.

Vide order dated 16.12.2022 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 16.12.2022 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class, Samana, and as per report dated 17.03.2023 submitted to this Court, both the parties have got recorded their respective statements in Court except petitioner No.6-Mohan Singh, who is stated to have expired.

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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.***

So far as the injury attracting Section 307 IPC is concerned, none has received any injury with the gunshot. Therefore, the possibility of recording of conviction under Section 307 IPC is unlikely.

Keeping in view the report dated 17.03.2023 of the Judicial Magistrate Ist Class, Samana, accompanied by the joint statement of both the parties, the FIR No..54 dated 14.04.2018 under Sections 307, 326, 323, 341, 148 and 149 IPC and Sections 25 & 27 of the Arms Act, 1959 registered at Police Station Samana, District Patiala and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 10, 2023
sukhpreet

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