

CRM-M-18261 of 2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18261 of 2022 (O & M)

Date of decision: 29.05.2023

Om Saxena

..... Petitioner(s)

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Naveen Bawa, Advocate,
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Sachin Kumar Chhokar, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No.0217 dated 18.11.2021 under Sections 307, 326, 323, 506, 148 and 149 IPC at Police Station Jodhewal, District Police Commissionerate Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 07.01.2022 (Annexure P-2).

Vide order dated 02.05.2022 this Court had directed the parties to appear before the Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 02.05.2022 with regard to the compromise (Annexures P-2).

In terms of the order dated 02.05.2022 passed by this Court

parties have appeared before the court of Judicial Magistrate Ist Class,

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Ludhiana, and as per the report dated 13.07.2022 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 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, according to the MLR of the complainant, head injury No.1 is 'deep lacerated wound 4-5 cms over left frontal region' and injury No.2 is 'deep lacerated wound over right perito-temporal region'. The injuries are stated to be grievous in nature, and therefore, the possibility of recording of a conviction under Section 307 IPC is unlikely.

Further, the learned counsel for the petitioner, 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***

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27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017, Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019 and Vimal Kalra & others Versus State of Punjab & another, CRMM-20355-2022, decided on 25.07.2022 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 Judicial Magistrate Ist Class, Ludhiana, the FIR No. 0217 dated 18.11.2021 under Sections 307, 326, 323, 506, 148 and 149 IPC at Police Station Jodhewal, District Police Commissionerate Ludhiana alongwith all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioner only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 29, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No