

CRM-M-28703-2023 (O & M)
(278)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28703-2023 (O & M)
Date of decision: 09.10.2023

Ashok Kumar and anr.

..... Petitioners

V/s

State of Punjab and anr..

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Nitin Narula, Advocate, for the petitioners.

Ms. Ramta K Chaudhary, DAG, Punjab.

Mr. Sandeep Sharma, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.0017 dated 18.01.2023 under Sections 307, 324, 34 IPC registered at Police Station Baghapurana, District Moga and all consequential proceedings arising therefrom on the basis of compromise dated 10.02.2023 (Annexure P-2) arrived at between the parties.

Vide order dated 01.06.2023, 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 01.06.2023 passed by this Court parties have appeared before the court of Sub Divisional Judicial Magistrate, Baghapurana and as per report dated 24.07.2023 submitted to this Court, both the parties have got recorded their respective statements in Court.

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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, the same has been invoked only on account of the intention to kill, and therefore, the conviction, if any, is likely to be recorded under Section 326 IPC.

In view of the aforesaid report of the Sub Divisional Judicial Magistrate, Baghapurana, accompanied by the joint statements of both the parties, the present FIR No.0017 dated 18.01.2023 under Sections 307, 324, 34 IPC registered at Police Station Baghapurana, District Moga alongwith all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioners only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 09 2023
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Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No