

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34878-2021 (O & M)

Date of decision:16.02.2023

Jaspal Singh

..... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Deep Singh, Advocate, for the petitioner.

Ms. Navreet Kaur Barnala, AAG, Punjab.

Mr. D.P.S. Joura, Advocate,
for Mr. Munish Raj Chaudhary, Advocate
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of cross-case registered vide DDR No.40 dated 06.05.2021 under Sections 307/188 IPC and Section 27/54 of the Arms Act at Police Station Dhanaula, District Barnala (Annexure P-2) in FIR No.57 dated 06.05.2021 under Sections 307, 188 IPC and Section 27 of the Arms Act, 1959 registered at Police Station Dhanaula, District Barnala (Annexure P-1) and subsequent proceedings arising therefrom on the basis of a compromise (Annexure P-3).

Vide order dated 23.09.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise (Annexure P-3) 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 23.09.2022 passed by this Court, the parties have appeared before the Chief Judicial Magistrate, Barnala, and as per the report dated 15.02.2023 submitted to this Court, both the parties have got recorded their respective statements in the Court.

A perusal of the aforesaid report would show that the parties have effected 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”**.

Since it is a case where no injury has been caused to the complainant party, the possibility of recording the conviction under Section 307 IPC would be remote.

In view of the aforesaid report of the Chief Judicial Magistrate, Barnala, the cross-case registered vide DDR No.40 dated 06.05.2021 under Sections 307/188 IPC and Section 27/54 of the Arms Act at Police Station Dhanaula, District Barnala (Annexure P-2) in FIR No. 0057 dated 06.05.2021 under Sections 307, 188 IPC and Section 27 of the Arms Act, 1959 registered at Police Station Dhanaula, District Barnala (Annexure

P-1) along with all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioner only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 16, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No