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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31667-2022

Date of decision :17.10.2023

GURPREET SINGH ALIAS GOPI NIHANG & OTHERS

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. G.S. Bajwa, Advocate
for the petitioner(s).

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. Bhupinder Kaur, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.292 dated 21.12.2017 (Annexure P-1) registered under Sections 307, 323, 148 and 149 IPC (Sections 379-B and 201 IPC added later on) at Police Station City Kapurthala, District Kapurthala along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 23.08.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 17.07.2020 (P-2).

The Illaqa Magistrate/trial Court was to submit a report in this aforesaid regard giving certain details as enumerated in the said order.

Pursuant to the order dated 23.08.2022 passed by this Court, the parties have appeared before the Addl. Sessions Judge, Kapurthala and as per the report dated 18.11.2022 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**”.

In addition, the Hon'ble Supreme Court in **Narinder Singh and Others vs State of Punjab and Another, 2014 (2) RCR (Criminal) 482, and State of Madhya Pradesh vs Laxmi Narayan and Others, 2019(2) RCR (Criminal) 255**, have categorized those cases where quashing on the basis of compromise was permitted and those in which, it was not permitted. It was further observed that the Court concerned may look into the medical evidence and examine the same to see as to whether the conviction under Section 307 of the IPC was possible or not.

Further, the learned counsel for the petitioners, 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 Vs. State of Punjab and another, CRM-M-23739-2010 decided on 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, CRM-M-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR was possible on the basis of a compromise

Thus, mere registration of an FIR under Section 307 did not foreclose the right of the petitioner/accused to effect a compromise and get the FIR quashed.

Quite apparently, there is no firearm injuries on the person of injured, the possibility of recording of conviction under Section 307 IPC is unlikely.

In view of the aforesaid report of the Addl. Sessions Judge, Kapurthala accompanied by statements of both the parties, the FIR No.292 dated 21.12.2017 (Annexure P-1) registered under Sections 307, 323, 148 and 149 IPC (Sections 379-B and 201 IPC added later on) at Police Station City Kapurthala, District Kapurthala along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

17.10.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No