

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-33693-2022

Date of Decision:-08.02.2023

Baljeet Singh @ Sunny.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Harsh Manocha, Advocate for the Petitioner.

Ms. Navreet Kaur Barnala, Assistant Advocate General Punjab.

Mr. Gaurav Chadha, Advocate for respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The present petition has been filed for quashing of FIR No.38 dated 28.03.2022 (Annexure P-1) under Sections 307, 323, 341, 506, 148, 149 IPC registered with Police Station Kotwali, Patiala and all other consequential proceedings arising therefrom, on the basis of compromise dated 12.04.2022 (Annexure P-4) entered into between the parties.

Vide order dated 03.08.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 03.08.2022 with regard to the compromise dated 12.04.2022 (Annexure P-2) arrived at between the parties.

In terms of the order dated 12.04.2022 passed by this Court parties have appeared before the court of Mr. Amit Malhan, Chief Judicial Magistrate, Patiala and as per report dated 08.09.2022 submitted to this Court, both the parties have got recorded their respective statements in Court.

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 the present case, undoubtedly, the FIR has been registered under Section 307 IPC. Therefore, the question would be as to whether the FIR could be quashed.

This Court was informed by the learned Counsel for the petitioner that injuries caused to the complainant/injured namely Devinder Singh have been found to be simple in nature which fact has been admitted by the learned Counsel for the respondent no.2 as also the State Counsel.

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***, has 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 a conviction under Section 307 IPC was possible or not.

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.

In the present case, as it is a case of simple injuries the possibility of recording of a conviction for the offence under Section 307 IPC is remote. Hence, with a view to put a quietus to the incident between the parties, it would be in the interest of justice to quash the proceedings on the basis of the compromise.

In view of the above, the present petition is allowed and FIR

No.38 dated 28.03.2022 (Annexure P-1) under Sections 307, 323, 341, 506, 148, 149 IPC registered with Police Station Kotwali, Patiala all subsequent proceedings arising therefrom stand quashed qua the petitioner herein.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 08, 2023

Vinay

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