

CRM-M-35019-2022

-1-

259

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35019-2022

Date of decision :20.03.2023

CHANDAN SHARMA ALIAS YUVRAJ ALIAS CHEENA AND
ORS.

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gurpreet Singh Dhillon, Advocate
for the petitioner(s).

Ms. Navreet Kaur Barnala, Asstt. A.G., Punjab.

Mr. Aayush Arora, Advocate
for respondent Nos.2 to 5.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.363 dated 22.07.2018 (Annexure P-1) registered under Sections 307, 323, 336, 506, 148 and 149 IPC at Police Station Focal Point, District Ludhiana along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 09.08.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 30.08.2018 (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 09.08.2023 passed by this Court, the parties have appeared before the learned Judicial Magistrate, 1st

CRM-M-35019-2022

-2-

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.

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.

CRM-M-35019-2022

-3-

In the present case, there is no injury with a firearm. Therefore it is extremely unlikely that a conviction could be recorded under Section 307 IPC.

In view of the aforesaid report of the learned Judicial Magistrate, 1st Class, Ludhiana accompanied by statements of both the parties, the FIR No.363 dated 22.07.2018 (Annexure P-1) registered under Sections 307, 323, 336, 506, 148 and 149 IPC at Police Station Focal Point, District Ludhiana along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.03.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No