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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38904-2022

Date of decision :09.08.2023

AMANJOT SINGH AND ORS.

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner(s).

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

Mr. Sandeep Godara, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.84 dated 05.11.2019 (Annexure P-1) registered under Sections 307, 324, 323, 148 and 149 IPC (Section 326 IPC added subsequently and Section 307 IPC dropped after investigation vide Rapat No.44 dated 03.06.2022) at Police Station Kotli Surat Mallian, Police District Batala, District Gurdaspur along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Vide order dated 31.08.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 01.08.2022 (P-5).

The learned counsel for the petitioners contends that Section 307 IPC has only been invoked with an intention and in fact, there is no injury attracting Section 307 IPC on the complainant party.

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 31.08.2022 passed by this Court, the parties have appeared before the learned Judicial Magistrate, 1st Class, Batala and as per the report dated 07.10.2022 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 view of the aforesaid report of the learned Judicial Magistrate, 1st Class, Batala accompanied by statements of both the parties, the FIR No.84 dated 05.11.2019 (Annexure P-1) registered under Sections 307, 324, 323, 148 and 149 IPC (Section 326 IPC added subsequently and Section 307 IPC dropped after investigation vide Rapat No.44 dated 03.06.2022) at Police Station Kotli Surat Mallian,

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Police District Batala, District Gurdaspur along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

09.08.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No