

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

CRM-M-40147-2022

Date of Decision:-01.02.2023

Balvir Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

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

Present:- Mr. Inderpal Singh, Advocate for the Petitioners.

Ms. Navreet Kaur Barnala, AAG Punjab.

Mr. Gurjeet Singh, Advocate for respondent nos.2 to 4.

JASJIT SINGH BEDI, J.(ORAL)

The present petition has been filed for quashing of FIR No.0148 dated 24.06.2022 (Annexure P-1) under Sections 307, 324, 323, 341, 427, 506, 148, 149 IPC registered with Police Station Sadar Nabha, District Patiala and all other consequential proceedings arising therefrom, on the basis of compromise dated 06.08.2022 (Annexure P-2) entered into between the parties.

Vide order dated 15.09.2022 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 15.09.2022 with regard to the compromise dated 06.08.2022 (Annexure P-2) arrived at between the parties.

In terms of the order dated 15.09.2022 passed by this Court parties have appeared before the court of Mr. Balkar Singh, Judicial Magistrate, Ist Class, Nabha and as per report dated 29.10.2022 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 and also under the provisions of the Arms Act and 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 it is a case of simple injuries which fact has been admitted by the learned Counsel for the respondent no.2 as also the State Counsel.

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.

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.

In the present case, as is apparent, it is a case of simple injury. 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 compromise.

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 and Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019, submits that partial quashing of the FIR was possible on the basis of a compromise since in the instant case one of the accused namely Komalpreet Singh has not effected a compromise.

In view of the above, the present petition is allowed and FIR No.0148 dated 24.06.2022 (Annexure P-1) under Sections 307, 324, 323, 341, 427, 506, 148, 149 IPC registered with Police Station Sadar Nabha, District Patiala are hereby quashed on the basis of compromise dated 06.08.2022(Annexure P-2) qua the petitioners herein.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 01, 2023

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>