

CRM-M-44607-2022 (O & M)
(277)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44607-2022 (O & M)
Date of decision: 30.11.2023

Pawan and anr.

..... Petitioners

V/s

The State of Haryana and anr..

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rahul Noorie, Advocate, for the petitioners.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Parveen Kumar, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.46 dated 27.03.2022 under Sections 323, 34, 341, 506 IPC (Sections 307, 325 IPC added later on) registered at Police Station Machhroli, District Jhajjar and all consequential proceedings arising therefrom on the basis of compromise dated 12.09.2022 (Annexure P-2) arrived at between the parties.

Vide order dated 02.05.2023, this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise (Annexure P-2) and the Illaqa Magistrate/Trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 02.05.2023 passed by this Court parties have appeared before the court of ACJM-cum-Civil Judge

CRM-M-44607-2022 (O & M)
(277)

::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*. So far as the injury attracting Section 307 IPC is concerned, the same is, in fact, a grievous injury punishable under Section 325 IPC and therefore, the possibility of recording of a conviction under Section 307 IPC is unlikely.

In view of the aforesaid report of the ACJM-cum-Civil Judge (Sr. Divn.), Jhajjar, accompanied by the joint statements of both the parties, the present FIR No. 46 dated 27.03.2022 under Sections 323, 34, 341, 506 IPC (Sections 307, 325 IPC added later on) registered at Police Station Machhroli, District Jhajjar, alongwith all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioners only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 30, 2023
sukhpreet

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