

CRM-M-48627-2022 (O & M)
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48627-2022 (O & M)
Date of decision: 23.08.2023

Suraj Kumar Petitioner

V/s

State of Punjab and anr.. ...Respondents

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vipul Babuta, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Amandeep Chhabra, Advocate,
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.0029 dated 24.02.2022 under Sections 323, 324, 506, 148, 149 and 307 IPC registered at Police Station Division No. 8, District Ludhiana (Section 201 IPC added later on) and all consequential proceedings arising therefrom on the basis of compromise dated 28.09.2022 (Annexure P-2) arrived at between the parties.

Vide orders dated 15.12.2022 and 09.05.2023, 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 orders dated 15.12.2022 and 09.05.2023 passed by this Court parties have appeared before the court of Additional District & Sessions Judge, Ludhiana, and as per report dated 31.07.2023 submitted

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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.***

So far as the injury attracting Section 307 IPC is concerned, the learned counsel for the petitioner as well as the learned counsel for the State contend that there is no injury attracting Section 307 IPC and the said Section has been invoked only on account of intention, and therefore, the possibility of recording of conviction under Section 307 IPC is remote.

Further, the learned counsel for the petitioner, 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, Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019 and Vimal Kalra & others Versus State of Punjab & another, CRMM-20355-2022, decided on 25.07.2022*** submits that partial quashing of the FIR was possible on the basis of a compromise.

Keeping in view the law laid down by this Court in the

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Ludhiana, the FIR No. 0029 dated 24.02.2022 under Sections 323, 324, 506, 148, 149 and 307 IPC registered at Police Station Division No. 8, District Ludhiana (Section 201 IPC added later on) alongwith all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioner only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 23, 2023
sukhpreet

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