

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

CRM-M-52890-2022

Date of Decision:-12.04.2023

Davinder Kumar @ Rinka.

.....Petitioners.

Vs.

State of Punjab & Anr.

.....Respondents.

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

Present:- Mr. Gourav Jain, Advocate for the Petitioners.

Ms. Navreet Kaur Barnala, Assistant Advocate General, Punjab.

Mr. Mohit Kumar, Advocate for

Mr. Shubham Jain, Advocate for respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition is for quashing of FIR No.26 dated 16.05.2013 under Sections 307, 323, 148 and 149 IPC registered at P.S. Taragarh, District Pathankot and all consequential proceedings arising therefrom on the basis of compromise in the shape of affidavit dated 01.09.2022 (Annexure P-2) arrived at between the parties.

Vide order dated 16.11.2022 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 16.11.2022 with regard to the compromise in the shape of affidavit dated 01.09.2022 (Annexure P-2).

In terms of the order dated 16.11.2022 passed by this Court parties have appeared before the court of Mr./Ms. Pavleen Singh, Judicial

Magistrate Ist Class, Dera Bassi and as per report dated 23.02.2023 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 the present case, undoubtedly, the FIR has been registered under Section 307 IPC. 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 injuries caused to the complainant/injured namely Johny have been found to be grievous in nature which fact has been admitted by the learned Counsel for the respondent no.2 as also the State Counsel.

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***, has 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 a conviction under Section 307 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.

In the present case, as it is a case of a grievous injury being caused, the possibility of recording of a conviction for the offence under Section 307 IPC is remote. 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 the compromise.

In view of the above, the present petition is allowed and FIR No.26 dated 16.05.2013 under Sections 307, 323, 148 and 149 IPC registered at P.S. Taragarh, District Pathankot all subsequent proceedings arising therefrom stand quashed qua the petitioner herein.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 12, 2023
Vinay

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