

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

CRM-M-55646-2022(O&M)

Date of Decision:-02.05.2023

Bhupinder Kumar @ Sunny Bhau & Anr.

.....Petitioners.

Vs.

State of Punjab & Ors.

.....Respondents.

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

Present:- Mr. Amit Sharma, Advocate for
Ms. Puja Chopra, Advocate for the Petitioner.

Mr. Sanish Girdhar, Assistant Advocate General, Punjab.

Mr. Sukhcharan Singh, Advocate for respondent nos.2 & 3.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition is for quashing of FIR No.96 dated 23.05.2022 (Annexure P-1) under Sections 307, 379-B, 323, 324, 341, 506, 336, 34 IPC and Section 25 of Arms Act, 1959 registered at P.S. Kotwali, Patiala, District Patiala and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-3, P-5 & P-6) arrived at between the parties.

Vide order dated 11.01.2023 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 11.01.2023 with regard to the compromise (Annexure P-3, P-5 & P-6).

In terms of the order dated 11.01.2023 passed by this Court parties have appeared before the court of Mr. Amit Malhan, Chief Judicial Magistrate, Patiala and as per report dated 09.03.2023 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 as per report dated 18.05.2022 (Annexure P-6 in connected case bearing CRM-M-54185-2022)) issued by Department of Forensic Medicine and Toxicology, Government Medical College (Rajindra Hospital), Patiala all the injuries on the persons of Akshay Kumar are simple in nature.

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 simple injury, 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.

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.

In view of the above, the present petition is allowed and FIR No.96 dated 23.05.2022 (Annexure P-1) under Sections 307, 379-B, 323, 324, 341, 506, 336, 34 IPC and Section 25 of Arms Act, 1959 registered at P.S. Kotwali, Patiala, District Patiala all subsequent proceedings arising therefrom stand quashed qua the petitioners herein.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 02, 2023
Vinay

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