

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-57847-2022 (O & M)

Date of decision: 10.04.2023

Karambir and ors.

..... Petitioners

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sandeep Gahlawat, Advocate, for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

Ms. Amandeep Kaur, Advocate,
for respondent No.2-complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.283 dated 07.10.2019 under Sections 148, 149, 307, 506 IPC and Section 25 of the Arms Act, 1959 registered at Police Station IMT Rohtak, District Rohtak and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

Vide order dated 12.12.2022 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 12.12.2022 passed by this Court parties have appeared before the court of Additional District & Sessions Judge, Rohtak, and as per report dated 23.03.2023 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

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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, though, a gunshot was fired but it is a case of no injury, therefore, the possibility of recording of conviction under Section 307 IPC is unlikely.

Keeping in view the report dated 23.03.2023 of the Additional District & Sessions Judge, Rohtak, accompanied by the joint statement of both the parties, the FIR No. 283 dated 07.10.2019 under Sections 148, 149, 307, 506 IPC and Section 25 of the Arm Act, 1959 registered at Police Station IMT Rohtak, District Rohtak and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 10, 2023
sukhpreet

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