

278

CRM-M-7165-2022
Date of decision: 23.04.2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SAHIL AND OTHERS

... PETITIONER(S)

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENT(S)

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.S. Gill, Advocate
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. L.S. Sekhon, Advocate
for respondent No.2

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No. 178 dated 01.10.2021 under Sections 307, 323, 427, 506, 148 and 149 of the IPC, 1860 (Section 295-A of IPC added later on) at Police Station Kotwali Bathinda, District Bathinda (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 28.01.2022 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners contends that Section 307 IPC has only been invoked on account of intention to kill and there is no injury attracting under Section 307 IPC. Therefore, the possibility of recording of a conviction, if any, under Section 307 IPC is unlikely.

Vide order dated 19.12.2023/04.03.2024 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 19.12.2023 with regard to the compromise dated 28.01.2022 (Annexure P-2).

In terms of the orders dated 19.12.2023/04.03.2024 passed by this Court parties have appeared before the court of Mr. Hira Singh Gill, Additional

District and Sessions Judge, Bathinda and as per his report dated 09.04.2024 submitted to this Court, both the parties have got recorded their respective statements in Court.

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.

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*, CRM-M-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR was possible on the basis of a compromise.

In the present case, undoubtedly, the FIR has been registered under Section 307 IPC and therefore, the question would be as to whether the FIR could be quashed.

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*, have 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 the conviction under Section 307 of the 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. Moreover, the present case is a no injury case.

In such a situation to put quietus to the incident between the parties it would in the interest of justice to quash the proceedings on the basis of the compromise.

In view of the above and report dated 09.04.2024 of Additional District and Sessions Judge, Bathinda, the present petition is allowed and FIR No. 178 dated 01.10.2021 under Sections 307, 323, 427, 506, 148 and 149 of the IPC, 1860 (Section 295-A of IPC added later on) at Police Station Kotwali Bathinda, District Bathinda (Annexure P-1) along with all the consequential proceedings arising therefrom are hereby quashed on the basis of a compromise dated 28.01.2022 (Annexure P-2) qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

23.04.2024

Kusum

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No