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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7825 of 2024 (O & M)
Date of decision: 18.07.2024

Ram Pyari and anr. Petitioner(s)

V/s

State of Punjab and anr. ...Respondents

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sandeep Arora, Advocate, for the petitioner(s).
Mr. Harkanwar Jeet Singh, AAG, Punjab.
Mr.G.S.Rawat, Advocate, for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayers in this petition is for quashing of FIR No. 199 dated 09.11.2016 under Sections 307, 452, 324, 323, 427 and 34 IPC registered at Police Station Mukerian, District Hoshiarpur and all subsequent proceedings arising therefrom on the basis of compromise dated 12.10.2017 (Annexure P-2).

Vide order dated 15.02.2024, 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 15.02.2024 with regard to the compromise (Annexure P-2).

In terms of the order dated 15.02.2024 passed by this Court parties have appeared before the court of Additional Sessions Judge, Hoshiarpur and as per the report dated 20.03.2024 submitted to this Court,

both the parties have got recorded their respective statements in Court.



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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.***

Even otherwise, taking the allegations to be correct, the injury if any would attract under Section 326 IPC and not Section 307 IPC and therefore, the conviction, if any, would be recorded under Section 326 IPC.

In view of the aforesaid report of the Additional Sessions Judge, Hoshiarpur, accompanied by the joint statement of both the parties, the present FIR No. 199 dated 09.11.2016 under Sections 307, 452, 324, 323, 427 and 34 IPC registered at Police Station Mukerian, District Hoshiarpur and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 18, 2024
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No