

2024:PHHC:110985



CRM-M-17391-2018 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(101-A)

CRM-M-17391-2018 (O & M)
Date of decision: 28.08.2023

Navjit Singh and ors.

..... Petitioners

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rishu Mahajan, Advocate, for the petitioners.

Mr. Harkanwar Jeet Singh, AAG, Pb.

Mr. Ajay Kumar, Advocate, for respondents No.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.147 dated 26.07.2017 under Sections 307, 450, 323, 148 and 149 IPC and Sections 25/27/54 and 59 of the Arms Act registered at Police Station Cantonment, Amritsar and all consequential proceedings arising therefrom on the basis of compromise dated 12.04.2018 (Annexure P-2) arrived at between the parties.

Vide order dated 01.02.2022, 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.

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Pursuant to the order dated 01.02.2022 passed by this Court parties have appeared before the court of Additional District & Sessions Judge, Amritsar and as per report dated 17.03.2022 submitted to this Court, both the parties have got recorded their respective statements.

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.***

A perusal of the FIR would reveal that a fire-arm was used then a shot was fired at a generator and parts of the generator struck the injured causing him simple injuries. Therefore, the possibility of recording of conviction under Section 307 IPC is highly unlikely.

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**



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

Keeping in view the law laid down by this Court in the aforementioned judgments and the report of the Additional District & Sessions Judge, Amritsar, FIR No.147 dated 26.07.2017 under Sections 307, 450, 323, 148 and 149 IPC and Sections 25/27/54 and 59 of the Arms Act registered at Police Station Cantonment, Amritsar and all the consequent/subsequent proceedings arising therefrom , are hereby quashed qua the petitioners only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 28, 2024

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