

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

CRM-M-12473-2024

Date of Decision:-25.04.2024

Jaskirat Singh @ Jassi & Ors.

.....Petitioners.

Versus

State of Punjab & Anr.

.....Respondents.

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

Present:- Mr. Inder Pal Singh, Advocate for the Petitioners.

Mr. Harkanwar Jeet Singh, AAG Punjab.

Mr. Arvind Kumar, Advocate for
Mr. M.K. Dhot, Advocate for respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for quashing of FIR No.0025 dated 21.04.2023 (Annexure P-1) under Sections 307, 323, 148, 149, 507, 509 IPC (Offence under Section 325 IPC added later on and Sections 25-54-59 of Arms Act deleted later on) registered at P.S. Bhagwantpur, District Roopnagar and all consequential proceedings arising therefrom on the basis of compromise dated 20.02.2024 (Annexure P-2) arrived at between the parties.

Vide order dated 12.03.2024 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 12.03.2024 with regard to the compromise dated 20.02.2024 (Annexure P-2).

In terms of the orders dated 12.03.2024 passed by this Court parties have appeared before the court of Additional District & Sessions Judge, Rupnagar and as per report dated 22.04.2024 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.***

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.

In the present case, perusal of the medical evidence clearly indicates that no offence under Section 307 Ipc is made out and all the injuries except injury no.2 (which is on the right of the complainant and is declared as grievous injury) are simple in nature and caused by blunt weapon. Therefore, it is extremely unlikely that a conviction would be recorded under Section 307 IPC.

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, 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 view of the above, the present petition is allowed. FIR No.0025 dated 21.04.2023 (Annexure P-1) under Sections 307, 323, 148, 149, 507, 509 IPC (Offence under Section 325 IPC added later on and Sections 25-54-59 of Arms Act deleted later on) registered at P.S. Bhagwantpur, District Roopnagar along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 25, 2024
Vinay

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