

CRM-M-15866-2021
Date of Decision : March 21, 2024

Mr. Bhisham Kumar Majoka, Advocate
for respondent No.2

Vide order dated 04.08.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their

statements recorded with regard to the compromise dated 01.01.2021 (Annexure P-2).

The Illaqa Magistrate/trial Court was to submit a report in this aforesaid regard giving certain details as enumerated in the said order.

Pursuant to the order dated 04.08.2023 passed by this Court, the parties have appeared before the Additional District and Sessions Judge, Faridabad and as per the report dated 31.01.2024 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 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 addition, 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, there is no injury to anyone with a firearm. Therefore it is extremely unlikely that a conviction could be recorded under Section 307 IPC.

In view of the aforesaid report of the Additional District and Sessions Judge, Faridabad accompanied by statements of both the parties, the FIR No.450 dated 21.11.2020 under Sections 323, 285, 427, 506, 34 IPC and Section 25 of the Arms Act (Sections 307, 148, 149 IPC added later on and Sections 285, 506, 34 IPC were deleted) registered at Police Station Sadar Ballabhgarh, Faridabad along with all consequential proceedings arising therefrom are hereby quashed.

The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 21, 2024

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Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No