

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

CRM-M-56977-2024(O&M)

Date of Decision:-22.04.2024

Lakhvir Singh @ Lakha @ Lakhwinder Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Anr.

.....Respondents.

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

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

Mr. Mohit Saroha, Assistant Advocate General, Punjab.

Mr. Satnam Singh, Advocate for respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for quashing of FIR No.0049 dated 07.04.2018 (Annexure P-1) under Sections 307, 506, 148, 149 IPC and Section 25 & 27 of Arms Act registered at Police Station Gidderbaha, District Sri Muktsar Sahib and all consequential proceedings arising therefrom on the basis of compromise dated 26.11.2022 (Annexure P-2) arrived at between the parties.

Vide order dated 07.12.2022 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 07.12.2022 with regard to the compromise dated 26.11.2022 (Annexure P-2).

In terms of the orders dated 07.12.2022 passed by this Court parties have appeared before the court of Sub Divisional Judicial Magistrate,

Gidderbaha and as per report dated 22.02.2024 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, no firearm injury has been caused to any person. Therefore, it is extremely unlikely that a conviction would be recorded under Section 307 IPC.

In view of the above, the present petition is allowed. FIR No.0049 dated 07.04.2018 (Annexure P-1) under Sections 307, 506, 148, 149 IPC and Section 25 & 27 of Arms Act registered at Police Station Gidderbaha, District Sri Muktsar Sahib along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 22, 2024
Vinay

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