

CRM-M-60900-2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(288)

CRM-M-60900-2023 (O & M)

Date of decision: 24.04.2023

Balwinder Singh and ors.

..... Petitioners

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. L.S. Sidhu, Advocate, for the petitioners.

Mr. Harkanwar Jeet Singh, AAG, Pb.

Mr. Ishan Thakur, Advocate, for respondents No.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.62 dated 13.07.2022 under Sections 307, 341, 324, 323, 148 and 149 IPC, Challan report dated 10.10.2022 whereby the petitioners have been sent up to face Trial for offences under Sections 307, 341, 324, 323 and 34 IPC (Annexure P-3) and order dated 22.02.2023 passed by the Additional Sessions Judge, Mansa whereby the petitioners have been charged for offences under Sections 307, 324, 323, 341 and 34 IPC (Annexure P-5) and all consequential proceedings arising therefrom on the basis of compromise dated 18.11.2023 (Annexure P-7) arrived at between the parties.

Vide order dated 04.12.2023, this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise (Annexure P-7) and the Illaqa Magistrate/Trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 04.12.2023 passed by this Court parties have appeared before the court of Additional District & Sessions Judge, Fast Track Special Court, Mansa and as per report dated 20.02.2024

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.***

Though all the injuries are simple in nature the offence under Section 307 IPC has been invoked only on account of intention. Therefore, the possibility of recording of conviction under Section 307 IPC is unlikely.

Keeping in view the report dated 20.02.2024 of the Additional District & Sessions Judge, Fast Track Special Court, Mansa, accompanied by the joint statement of both the parties, the FIR No. FIR No.62 dated 13.07.2022 under Sections 307, 341, 324, 323, 148 and 149 IPC, Challan report dated 10.10.2022 whereby the petitioners have been sent up to face Trial for offences under Sections 307, 341, 324, 323 and 34 IPC (Annexure P-3) and order dated 22.02.2023 passed by the Additional Sessions Judge, Mansa whereby the petitioners have been charged for offences under Sections 307, 324, 323, 341 and 34 IPC (Annexure P-5) and all consequential proceedings arising therefrom are hereby quashed qua the petitioners herein.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 24, 2023
sukhpreet

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