

(2024) 07 P&H CK 1568
In the Punjab And Haryana At Chandigarh
Case No : CRM-M Of 12628 Of 2024

Pooja & Others

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 23-07-2024

Acts Referred:

Indian Penal Code, 1860 — Section 148, 149, 307, 323, 427, 506
Arms Act, 1959 — Section 25, 27, 54, 59
Code of Criminal Procedure, 1973 — Section 482

Citation : (2024) 07 P&H CK 1568

Hon'ble Judges : Jasjit Singh Bedi, J

Bench : Single Bench

Advocate : G.S. Sirphikhi, Harkanwar Jeet Singh, Ritesh Pandey

Final Decision : Disposed Of

Judgement

Jasjit Singh Bedi, J

The prayer in this petition is for quashing of a G.D. No.02 dated 17.02.2024 (Annexure P-1) registered under Sections 307, 323, 506, 427, 148 and 149 IPC and Sections 25, 27, 54 and 59 of Arms Act, 1959 in FIR No.56 dated 17.02.2024 under Sections 307, 323, 506, 34 IPC and Sections 25 & 27 of Arms Act at P.S. Civil Lines Batala, District Batala along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

A short reply dated 22.07.2024 by way of an affidavit of Azad Davinder Singh, PPS, Deputy Superintendent of Police, Sub Division City Batala Police District Batala has been filed on behalf of the State by the learned counsel for the State. The same is taken on record.

Vide order dated 13.03.2024 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 22.04.2024 (P-3).

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 13.03.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate, 1st Class, Batala and as per the report dated 26.04.2024 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 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 learned Judicial Magistrate, 1st Class, Batala accompanied by statements of both the parties, the G.D. No.02 dated 17.02.2024 (Annexure P-1) registered under Sections 307, 323, 506, 427, 148 and 149 IPC and Sections 25, 27, 54 and 59 of Arms Act, 1959 in FIR No.56 dated 17.02.2024 under Sections 307, 323, 506, 34 IPC and Sections 25 & 27 of Arms Act at P.S. Civil Lines Batala, District Batala along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

The petition stands disposed of.