

229 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No. 35757-2015
Date of Decision : 19.12.2015**

Lovejeet Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. G.S.Nahal, Advocate
 for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

On 16.10.2015 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.112 dated 17.09.2015 registered under Sections 307, 341, 506 IPC at Police Station Bhawanigarh, District Sangrur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Learned counsel has argued that in the present case though Section 307 IPC has been invoked yet the injury which allegedly attracted Section 307 IPC is the injury on left heel.

Notice of motion.

On the asking of the Court, Mr. Ashish Sanghi, Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned D.A.G during the course of the day.

To come up on 19.12.2015.

Meanwhile, the parties are directed to be present before the Illaqa Magistrate/CJM, Sangrur on 19.12.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case is pending against either of the parties or not before the next date of hearing.”

Thereafter, the report of the Additional Chief Judicial Magistrate, Sangrur dated 26.11.2015 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a compromise has indeed taken place between them and that the compromise has been executed voluntarily and without any pressure.

Learned counsel for the petitioners states that Section 307 IPC is not made out because firearm injury was on the left foot. Learned Deputy Advocate General has also accepted this fact.

In my considered opinion the invocation of Section 307 IPC is doubtful.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society. The Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another** reported as (2014) 6 SCC 466 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise in an offence under Section 307 IPC.

In view of the above judicial pronouncements, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua petitioner.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

December 19, 2015