

CRM-M-15851 of 2017

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

CRM-M-15851 of 2017
Date of Decision: 11.10.2017

Gurtej Sharma and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. J.K. Singla, Advocate, for the petitioners.
Mr. Randeep S. Khaira, AAG, Punjab.
Mr. Tarun Singla, Advocate, for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 482 Cr.P.C. has been made for quashing FIR No.41 dated 12.04.2017 (Annexure P-1) under Sections 307, 148 and 149 IPC and Sections 25/27 of the Arms Act, 1959 registered at Police Station Phool, Tehsil Phul, District Bathinda, on the basis of compromise (Annexure P-2).

Pursuant to the order dated 24.07.2017 of this Court, the parties appeared before the Trial Court on 05.09.2017 to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Phul, has submitted his report vide letter bearing No.274 dated 14.09.2017 duly forwarded by learned District and Sessions Judge, Bathinda vide letter No.1355 dated 15.09.2017.

According to the report, the Sub Divisional Judicial Magistrate is satisfied that compromise entered into between the parties is voluntary,

without any pressure, threat or coercion.

Ravinder Singh
2017.10.13
I attest to the accuracy and
authenticity of this document

In the instant case, quashment of FIR has been sought under

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Section 307 IPC. The Hon'ble Supreme Court in ***Narinder Singh and others v. State of Punjab and another***, 2014(2) RCR(Criminal) 482 has held as under: -

“31 (VI) Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.”

In ***Jagroop Singh and others v. State of Punjab and others*** in ***CRM-M No.16154 of 2016*** decided on 01.03.2017, a Co-ordinate Bench of this Court in para No.8 of the judgment has observed as under: -

“{8}. In nutshell each case has to be considered on its own merits. While exercising inherent powers, High Court has to examine whether possibility of conviction is bleak and

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continuation of proceedings would put the accused to great oppression and prejudice and would result in futility. Offence under Section 307 IPC falls under the category of heinous offence and generally it is to be treated offence against the State/society and not an individual offence. At the same time High Court would not base its decision merely because offence under Section 307 IPC is mentioned in the FIR or in the charge. It is still open before the Court as to whether insertion of offence under Section 307 IPC is based on evidence or it is just for the sake of incorporation in the FIR.”

The injury suffered by Bikkar Singh, which falls under Section 307 IPC, is on the left shoulder and not on the vital part.

Considering the above factual position of the case and the fact that the compromise will bring harmony in relations between the parties, FIR No.41 dated 12.04.2017 (Annexure P-1) under Sections 307, 148 and 149 IPC and Sections 25/27 of the Arms Act, 1959 registered at Police Station Phool, Tehsil Phul, District Bathinda, is hereby quashed.

Petition is disposed of accordingly.

October 11, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No