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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 26717 of 2017
Date of Decision: 30.10.2017

Krishan and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Chanderhas Yadav, Advocate,
for the petitioners.

Mr. Tanuj Sharma, A.A.G., Haryana,
for respondent No. 1.

Mr. Navmohit Singh, Advocate,
for respondents No. 2 to 7.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioners, who are accused in F.I.R. No. 174, dated 20.04.2017, under Sections 148, 149, 323, 452, 506 and 307 of the Indian Penal Code, registered at Police Station City Narnaul, (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings on the basis of compromise.

[2]. With the intervention of respectables and elderly people of the society, the complainant has arrived at a settlement with the accused vide

Written Compromise (Annexure P-8), which is duly signed by him. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Chief Judicial Magistrate, Narnaul, vide report dated 29.09.2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Respondents No. 2 to 7 are represented by their counsel.

[4]. It is verified from the record that originally the F.I.R. was drawn up only under Sections 148, 149, 323, 452 and 506 of the Indian Penal Code. Thereafter, as noted in the order passed by a Co-ordinate Bench of this Court in CRM-M No. 22996 of 2017 (Annexure P-7), Section 307 of the Indian Penal Code was added almost two years later in June, 2017. The parties have thereafter entered into a compromise voluntarily. As no challan has yet been submitted, so this case appears to be covered by the decision of the Supreme Court in “**Narinder Singh and others Vs. State of Punjab and another**”, 2014 (2) R.C.R. (Criminal) 482 :-

“31. (VII) While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reasons that at this stage the investigation is still on and even the charge sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High

Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.”

[5]. In view of the report of the Chief Judicial Magistrate, Narnaul, and in view of the decision of the Hon'ble Supreme Court in “**Gian Singh Vs. State of Punjab and another**”, 2012(4) RCR (Criminal) 543 and “**Narinder Singh and Others Vs. State of Punjab and Another**”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners/ accused persons.

[6]. In the circumstances, the present petition is allowed. F.I.R. No. 174, dated 20.04.2017, under Sections 148, 149, 323, 452, 506 and 307

of the Indian Penal Code, registered at Police Station City Narnaul, (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioners.

30.10.2017

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No