

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-29272-2017

Date of decision: 23.10.2017

Pardeep Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Sameer Sachdeva, Advocate for the petitioners.

Mr. Rana Harjasdeep Singh, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 121 dated 13.10.2016 (Annexure P-1) registered under Sections 307, 148 and 149 IPC and Section 25 of the Arms Act at Police Station Makhu, District Ferozepur and all subsequent proceedings arising therefrom, on the basis of compromise effected between the parties as well as the cancellation proceedings initiated by the investigating agency.

2. Pursuant to the order dated 11.08.2017 of this Court, the parties appeared before the Judicial Magistrate Ist Class, Zira on 11.09.2017, to get their statements recorded. Learned Judicial Magistrate Ist Class, Zira, has submitted his report vide letter bearing No. 724 dated 12.09.2017 duly forwarded by learned District and Sessions Judge, Ferozepur vide letter No. 8770/CB dated 12.09.2017.

3. According to the report, the Judicial Magistrate Ist Class, Zira, is satisfied that compromise entered into between the parties is genuine,

with free will, without any coercion and pressure.

4. In the instant case, quashment of FIR has been sought under Section 307 IPC. On instructions from HC Sukhchain Singh, learned State counsel submits that cancellation report has been prepared for onward submission in the concerned Court.

5. The Hon'ble Supreme Court in Narinder Singh and others Vs. 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.”

6. In **Jagroop Singh and others Vs. 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 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. ”

7. Considering the fact that cancellation report has been prepared in this case for onward submission in the concerned Court and also the fact that the compromise will bring harmony in relations between the parties, FIR No. 121 dated 13.10.2016 (Annexure P-1) and all subsequent proceedings arising therefrom, qua the petitioners, is quashed.

8. The instant petition stands disposed of accordingly.

October 23, 2017

rishu

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No