

Sr. No.238
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-36930 of 2014 (O&M)

Date of Decision:19.01.2017

Hira Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. SPS Sidhu, Advocate,
for the petitioners.

Mr. Varun Sharma, DAG, Punjab.

Mr. Nikhil Bhatia, Advocate for
Mr. Prabhdeep Singh, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.83 dated 10.05.2013, under Sections 307, 323, 148, 149 of Indian Penal Code and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station Bhikhiwind, District Tarn Taran.

Learned counsel appearing for the petitioners would contend that even from version of the complainant, the occurrence had taken place on 09.05.2013 leading to the registration of the FIR on the following day i.e. 10.05.2013 and the compromise has been effected between the parties at the very initial stage i.e. on 15.05.2013 itself. Counsel further submits that even though there are .12 bore gun pellet injuries suffered by complainant, namely, Karanbir Singh yet the same were on a non-vital part of the body.

Complainant is duly represented by Mr. Nikhil Bhatia, Advocate. He makes a statement at the Bar that the compromise has been effected and he would have no objection to the prayer made in the present petition being accepted and the FIR to be quashed.

Learned State counsel would, however, oppose the present petition by submitting that the offence under Section 307 IPC has been cited and in such cases, this Court should not recognize any settlement/compromise as these are offences not against the private individual but also against the society.

Having heard counsel for the parties at length I am of the considered view that it is a fit case for exercising powers under Section 482 Cr.P.C. and to bring to an end the criminal prosecution that has been initiated in the light of impugned FIR.

Reference may be made to the judgment of the Hon'ble Supreme Court in ***Narinder Singh and others Vs. State of Punjab and another 2014 (2) R.C.R. (Criminal) 482*** wherein certain guidelines/parameters had been laid down by the Apex Court for a compromise even to be accepted and recognized for offence under Section 307 IPC.

In the facts and circumstances of the present case, it has gone uncontroverted that the injuries suffered by the complainant are on a non-vital part of the body. These are pallet injuries. The occurrence is stated to be of 09.05.2013 and the compromise was thrashed out at the initial stage of investigation itself i.e. merely 06 days after the date of occurrence and on 15.05.2013.

The facts and circumstances of the present case certainly fall within the parameters laid down by the Hon'ble Supreme Court in ***Narinder Singh's case (supra)*** as regards recognizing and accepting the compromise that has been arrived at.

In view of the above, the prayer made in the present petition is accepted.

Petition is allowed. FIR No.83 dated 10.05.2013, under Sections 307, 323, 148, 149 of Indian Penal Code and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station Bhikhiwind, District Tarn Taran and all the proceedings emanating therefrom stand quashed.

Disposed of.

19.01.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes