

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

259

CRM-M-39849 of 2016

Date of Decision: March 27, 2017

Parveen and another

....Petitioners

vs.

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Deepak Girotra, Advocate
for the petitioners.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Vishal Moudgil, Advocate
for respondent No.2.

TEJINDER SINGH DHINDSA, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0005 dated 04.01.2016, under Sections 148, 149, 323, 324 and 506 IPC, (Section 307 IPC was added later on) registered at Police Station Civil Line Rohtak.

Since quashing of FIR was sought on the basis of compromise, this Court while issuing notice of motion on 08.11.2016, had directed the parties to appear before the trial Court on 29.11.2016 for getting their statements recorded in respect of compromise. Veracity report was also called for.

Placed on record is a report dated 07.12.2016 of the learned Additional Chief Judicial Magistrate, Rohtak and a perusal of the same would reveal that statements of the

complainant as also the accused/petitioners have been duly recorded and it has been opined that the compromise has been effected voluntarily and without any pressure or coercion.

It would be apposite to take note that the FIR came to be registered in relation to an alleged occurrence dated 04.01.2016 and the FIR initially had been registered under Sections 148, 149, 323, 324 and 506 IPC.

As per MLR of injured/complainant, he had suffered three injuries and all of them had been found to be simple in nature.

Subsequently, on 09.05.2016, injury no.3 was declared to be dangerous to life and accordingly, the offence was enhanced to Section 307 IPC.

Injury no.3 is on the abdomen of the complainant measuring 0.5x0.5 cm.

Even though the challan was presented on 10.11.2016, but the charges are yet to be framed.

The Hon'ble Supreme court in the case of ***Narinder Singh and others Vs. State of Punjab and another, 2014 (2) RCR (Criminal) 482***, has laid down certain parameters, even as regards entertaining the compromise in matters where Section 307 IPC has been cited.

In the considered view of this Court, the case of the petitioners herein would fall within the parameters laid down in ***Narinder Singh's case (supra)***.

The injury that has attracted Section 307 IPC, was earlier found to be simple in nature. It is an injury on the abdominal area with a sharp edged weapon but measuring only 0.5x0.5 cm. Even though challan has been presented, but the compromise has been effected at the very initial stage as the charges have not yet been framed and as such trial has not

commenced. The petitioners are not stated to be habitual offenders.

In the considered view of this Court, it would be a fit case to intervene in exercise of its powers under Section 482 Cr.P.C. and to bring an end criminal proceedings launched on account of registration of the impugned FIR. Continuation of criminal proceedings under such circumstances would be a futile exercise and would be construed as an abuse of the process of law as also of the Court.

In view of the discussion above, FIR No.0005 dated 04.01.2016, under Sections 148, 149, 323, 324, 307 and 506 IPC, registered at Police Station Civil Line Rohtak and all proceedings emanating therefrom qua the petitioners are quashed.

Petition is allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

27.03.2017
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Whether speaking/reasoned : ***Yes***
Whether reportable ***:*** ***No***