

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

**CRM-M-23128 of 2017
DATE OF DECISION:-01.11.2018**

NIRVAIL SINGH AND ORS.

...PETITIONERS...

V.

STATE OF PUNJAB AND ORS.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioners.

Mr. Harpreet Multani, AAG, Punjab.

None for respondents No.2 and 3.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 482 Cr.P.C. has been made for quashing FIR No.47 dated 19.04.2017, registered under Sections 307, 326, 324, 323, 341, 506, 427, 148, 149 IPC and under Sections 25/27/54/59 of the Arms Act, at Police Station Sadar Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-8).

Pursuant to order dated 25.09.2018 of this Court, the parties appeared before the trial Court on 16.10.2018 and 18.10.2018 to get their statements recorded. Learned Additional Chief Judicial Magistrate, Tarn Taran, has submitted her report vide letter bearing No.264, dated

Taran, vide Endst No.6180-R, dated 30.10.2018.

According to the report, learned Additional Chief Judicial Magistrate, Tarn Taran is satisfied that compromise arrived at between the parties is a genuine compromise and is the voluntary act of the parties without there being any sort of pressure, threat or coercion from any corner. There is no PO proceedings pending against the accused.

In the instant case, quashment of FIR has been sought under Section 307 IPC. 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.”

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.”

Considering the report of learned Additional Chief Judicial Magistrate, Tarn Taran, dated 29.10.2018 and the fact that the compromise will bring peace and harmony in relations between the parties, aforesaid FIR No.47 dated 19.04.2017 and all subsequent proceedings arising therefrom, are quashed, subject to payment of costs of ₹10,000/-, out of which ₹4,000/- shall be deposited with the Bar Association of Punjab and Haryana High Court, ₹1,000/- with the Bar Council of Punjab and Haryana and ₹5,000/- with the Punjab and Haryana High Court Legal Services Committee within two weeks from today, failing which this petition shall be deemed to be dismissed.

Disposed of accordingly.

List on 01.12.2018, for production of receipt with regard to deposit of aforesaid costs.

01.11.2018
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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No