

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

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CRM-M-35791 of 2018
Date of decision:31.10.2018

Jagjit Singh @ Joga Singh and others

.....Petitioners.

Vs.

State of Punjab and another.

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAMENDRA JAIN

Present: Mr.PBS Goraya, Advocate for the petitioners.
Mr.Vikas Chopra, DAG, Haryana.

RAMENDRA JAIN, J (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing of FIR No.32 dated 08.04.2017, under Sections 324/323/148/149 IPC and 307 IPC (added later on) registered at Police Station “Harike” District Taran Taran and all subsequent proceedings arising therefrom on the basis of compromise dated 31.03.2018 (Annexure-P-2), effected between them.

Vide order dated 28.09.2018, parties were directed to appear before the trial Court to get their statement recorded for compromise with a direction to the trial Court to furnish a report qua veracity of the compromise.

Pursuant to order dated 28.09.2018 of this Court, the parties appeared before the trial Court/ Illaqa Magistrate on 11.10.2018 to get their statement recorded. Learned Judicial Magistrate Ist Class, Patti has submitted his report vide letter No.345 dated 13.10.2018 duly

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forwarded by learned District and Sessions Judge, Tarn Taran vide
Endst No.5782-R dated 15.10.2018.

According to the report, Judicial Magistrate Ist Class, Patti, is satisfied that parties have arrived at compromise with their free consent and voluntarily and genuinely.

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.”

In view of the totality of the facts and circumstances and considering the fact that the compromise will bring harmony in relations between the parties, the petition is allowed and the aforesaid FIR No. 32 dated 08.04.2017 (Annexure P-1)) and all subsequent proceedings arising therefrom, qua the petitioners is quashed, subject to payment of costs of Rs.10,000/-, out of which Rs.6,000/- shall be deposited with the Punjab State Legal Services Authority and Rs.4,000/- with the Bar Council of Punjab and Haryana, within two weeks from today, failing which this petition shall be deemed to be dismissed.

List on 30.11.2018 for production of receipt with regard to deposit of aforesaid costs.

(Ramendra Jain)
Judge

October 31, 2018
raman

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No