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

CRM-M-35891-2018 (O&M)
Date of decision: 26.09.2018

Sharvan

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Navneet Singh, Advocate
for the petitioner.

Mr. A.S.Gill, DAG, Punjab.

Mr. Saleem Ahmed, Advocate
for respondent No. 2-complainant.

Mr. Jitender Singh Kundu, Advocate
for respondents No. 3 to 6.

RAMENDRA JAIN, J. (ORAL)

CRM-34208-2018

Through this application prayer has been made for placing on record the copy of the Jamabandi and FIR No. 740 dated 12.09.2018 registered against respondent No. 2/complainant for effectively disposal of the present petition.

For the reasons mentioned in the application, the same is allowed and the documents are taken on record.

CRM-M-35891-2018 (O&M)

1. Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 81 dated 23.03.2018 under Sections 148/149/307/323/342/506 of the IPC registered at Police Station Civil Line

District Sonipat, District Sonipat, Haryana (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 26.07.2018 (Annexure P-2) effected between the parties.

2. Vide orders dated 21.08.2018, the parties were directed to appear before the trial Court to get their statements recorded for compromise with a direction to the trial Court, to furnish a report qua veracity of the compromise.

3. Consequently, parties appeared before the Additional Sessions Judge, Sonipat and got recorded their statements qua compromise on 01.09.2018. Report from the Additional Sessions Judge, Sonipat, vide letter No. 314 dated 06.09.2018, duly forwarded by learned District and Sessions Judge, Sonipat vide Endst. No. 13280, Dated 06.09.2018, has been received. According to the report of the Additional Sessions Judge, Sonipat, the compromise is genuine and it is voluntarily effected between the parties with their free consent and without any pressure, threat, coercion or undue influence from any side.

4. Learned State counsel has filed reply by way of affidavit which is taken on record. Office to tag the same at an appropriate place.

5. 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.”

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. Learned counsel for respondents No. 3 to 6 submits that he has no objection in quashing FIR No. 81 dated 23.03.2018 against the petitioner and respondents No. 3 to 6 as well.

8. 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, this petition is allowed and the aforesaid FIR No. 81 dated 23.03.2018 under Sections 148/149/307/323/342/506 of the IPC registered at Police Station Civil Line District Sonipat, District Sonipat, Haryana (Annexure P-1) and all subsequent proceedings arising therefrom, qua the petitioner and respondents No. 3 to 6 is quashed, subject to payment of costs of Rs. 10,000/-, out of which Rs. 4,000/- shall be deposited with the Bar Association of Punjab and Haryana, High Court, Rs. 1000/- with the Bar Council of Punjab and Haryana and Rs. 5,000/- with High Court Legal Services Committee, within two weeks from today, failing which this petition shall be deemed to be dismissed.

9. List on 01.11.2018, for production of receipts regarding deposit of costs.

26th September, 2018

shabha

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No