

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-37802-2017

Date of decision: 26.07.2018

Rahul and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Saleem Ahmed, Advocate for the petitioners.

Mr. Yashwinder Singh, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 123 dated 25.06.2016 (Annexure P-1) under Sections 334, 341 and 307 IPC and Section 25 of the Arms Act at Police Station Tigaon, District Faridabad and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2) effected between the parties.

2. Vide order dated 09.10.2017, parties were directed to appear before the Illaqa Magistrate/trial Court on 14.11.2017, to get their statements recorded for compromise with a direction to the Illaqa Magistrate/trial Court to furnish a report qua veracity of the compromise.

3. Consequently, parties appeared before the learned District and Sessions Judge, Faridabad and got recorded their statements qua compromise on 14.11.2017. Report from the learned District and Sessions Judge, Faridabad, vide letter No. 1558 dated 15.11.2017, has been received.

According to the report of the learned District and Sessions Judge,

Faridabad, the compromise has been entered into in between the parties is voluntary and without any pressure.

4. 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.”

5. 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.”

6. 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. 123 dated 25.06.2016 (Annexure P-1) and all subsequent proceedings arising therefrom, qua the petitioners is quashed, subject to payment of costs of ₹10,000/-, out of which ₹6,000/- shall be deposited with the Haryana State Legal Services Authority and ₹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.

7. List on 20.08.2018, for production of receipts regarding deposit of costs.

July 26, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No