

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-45454-2016

Date of decision: 13.09.2018

Harnek Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

**PRESENT:** Mr. HS Randhawa, Advocate for the petitioners.

Mr. Harpreet Multani, AAG, Punjab.

Mr. Jasraj Singh, Advocate for respondents No. 2 to 4.

**RAMENDRA JAIN, J. (ORAL)**

1. Through this petition under Section 482 Cr.P.C., prayer has been made for quashing Criminal Complaint No. 44 dated 02.09.2008 (Annexure P-1) under Sections 307, 326, 324, 325, 148 read with Section 149 IPC; summoning order dated 13.08.2012 (Annexure P-2) and all subsequent proceedings arising therefrom, on the basis of compromise dated 10.09.2016 (Annexure P-5), effected between the parties.

2. Vide order dated 23.11.2016, passed in connected cases bearing CRM-M Nos. 41585 and 41794-2016, parties were directed to appear before the trial Court on 14.12.2016, 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 District and Sessions Judge, Patiala and got recorded their consolidated statements

qua compromise on 14.12.2016 in all the cases i.e. in FIR No. 73 dated 13.05.2008, DDR No. 25 dated 13.05.2008 (cross case in aforesaid FIR) as well as in private Criminal Complaint No. 44 dated 02.09.2008 (Annexure P-1). Separate reports from the Additional District and Sessions Judge, Patiala, vide letters No. 276 and 277 dated 14.12.2016, duly forwarded by learned District and Sessions Judge, Patiala vide letter No. 8793/AL and 8790/AL dated 19.12.2016, have been received in the connected cases. According to the report of the Additional District and Sessions Judge, Patiala, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

4. In the instant case, quashment of Criminal Complaint No. 44 dated 02.09.2008 (Annexure P-1) under Section 307 IPC, 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 Criminal Complaint No. 44 dated 02.09.2008 (Annexure P-1) under Sections 307, 326, 324, 325, 148 read with Section 149 IPC and all subsequent proceedings arising therefrom, qua the petitioners are quashed.

**September 13, 2018**

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**( RAMENDRA JAIN )  
JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**