

245**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-47763-2017 (O&M)
Date of decision: 19.09.2018****Baldev Singh and others****..... Petitioners****Versus****State of Punjab and others****..... Respondents****CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN****Present:** Mr. Gaurav Sharma, Advocate
for the petitioners.

Mr. Amandeep Singh Gill, DAG, Punjab.

Mr. B.S. Aulakh, 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 FIR No. 39 dated 29.04.2012 (Annexure P-1) under Sections 307/458/323/324/148/149 of the IPC at Police Station Rureke Kalan, District Barnala and all subsequent proceedings arising therefrom, on the basis of compromise dated 27.11.2017 (Annexure P-2) effected between the parties.

2. Vide orders dated 14.12.2017, 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, the parties appeared before the Additional Chief Judicial Magistrate, Barnala and got recorded their statements qua compromise on 19.01.218. Report from the Additional Chief Judicial

Magistrate, Barnala, vide letter No. 127 dated 20.02.2018, duly forwarded by learned District and Sessions Judge, Barnala vide letter No. 1223/EB dated 22.02.2018 has been received. According to the report of the Additional Chief Judicial Magistrate, Barnala, the compromise is genuine and the parties have entered into the same voluntarily, without any undue influence, pressure and coercion from any side.

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. 39 dated 29.04.2012 (Annexure P-1) under Sections 307,458, 323, 324, 148 & 149 of the IPC at Police Station Rureke Kalan, District Barnala and all subsequent proceedings arising therefrom, qua the petitioners 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 the Punjab and Haryana High Court Legal Services Committee, within two weeks from today, failing which this petition shall be deemed to be dismissed.

7. List on 26.10.2018, for production of receipts regarding deposit of costs.

19th September, 2018
shabha

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No