

THE HONOURABLE JUSTICE G. SRI DEVI

I.A.Nos.2 and 3 of 2019

and

Crl.P.No.6896 of 2019

COMMON ORDER

The criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in Cr.No.64 of 2019 on the file of Mamda Police Station, Nirmal District, registered for the offences under Sections 307 read with Section 34 IPC, against the petitioners/A1 to A5.

2. I.A.Nos.2 and 3 of 2019 are filed under Sections 320(6) and 320(2) of Cr.P.C., by both parties seeking leave of this Court to compound the offences and to record compromise as the matter was settled out of the Court. Along with the affidavits, they filed a joint memo of compromise stating that the 2nd respondent lodged a complaint against the petitioners and the same was registered as Cr.No.64 of 2019 on the file of Mamda Police Station, Nirmal District, registered for the offences under Sections 307 read with Section 34 IPC, and during pendency of investigation, due to intervention of village elders and well wishers, the 2nd respondent intends to withdraw the complaint against the petitioners, and that in view of the compromise, both parties have no grievance against each other and decided to close the case.

3. Today, when the matter came up for hearing, the 2nd respondent/de-facto complainant and the petitioners/A1 to A5 are present and they are identified by their respective counsel. They filed xerox copies of their aadhar cards along with the affidavit. When this Court enquired the parties, the de-facto complainant and

the accused stated that they entered into compromise due to intervention of the elders.

4. Learned Additional Public Prosecutor fairly conceded to the fact that though the case was registered for the offence under Section 307 IPC, the de-facto complainant has not received any grievous injury and even he has not admitted in the hospital and no weapon was used by the accused in commission of the offence.

5. In view of the compromise arrived at between the parties and in view of the judgment of the Apex Court in **Narinder Singh and others v. State of Punjab and another**¹, though the crime was registered for the offence under Section 307 IPC, which is non-compoundable, there is no grievous injury sustained by the de-facto complainant and no weapon was used by the accused in commission of the offence, I find that it is a fit case to record compromise between parties and to quash the proceedings against the petitioners/A1 to A5.

6. In the result, I.A.Nos.2 and 3 of 2019 are ordered. Consequently, the Criminal Petition is allowed and the proceedings in Cr.No.64 of 2019 on the file of Mamda Police Station, Nirmal District, are hereby quashed against the petitioners/A1 to A5.

7. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

G. SRI DEVI, J

16th November, 2019

sj

¹ 2014(6) SCC 466