

**261-16 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.2292 of 2019 (O&M)
Date of Decision : 25.03.2019**

Darshan Singh & anr.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Parmeet Singh, Advocate for
Mr. Parneet Singh Baidwan, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. B.S.Randhawa, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.140 dated 10.11.2018 under Sections 324/323/34/307 IPC at Police Station Sirhind District Fatehgarh Sahib and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 11.02.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.140 dated 10.11.2018 registered under Sections 324, 323, 34, 307 IPC at Police Station Sirhind District Fatehgarh Sahib and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion. On the asking of the Court, Ms. Amarjit Kaur Khurana, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent No.1. Mr. B.S. Randhawa, Advocate has entered appearance on behalf of respondent No.2. Counsel for the petitioners undertakes to supply a copy of the petition to the learned opposite counsel during the course of the day.

To come up on 25.03.2019 a/w CRM-M-44292/18.

Meanwhile, the parties are directed to be present before the concerned C.J.M/Illaqa Magistrate on 28.02.2019 or on any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties before the next date of hearing.”

Thereafter, the report of the Additional Chief Judicial Magistrate, Fatehgarh Sahib dated 06.03.2018 has been received wherein it has been mentioned that :-

“The compromise arrived at between the parties apparently appears to be a genuine compromise and is the voluntary act of the parties without there being any sort of pressure, threat or coercion from any corner. It is further submitted that an FIR No.144 dated 17.11.2018 under Section 67 of IT Act and Section 500 of IPC has been got registered against the complainant of the present case namely Sandeep Kaur at Police station Sirhind by Karamjit Kaur wife of Amarjit Singh, resident of Bhamarsi Jer, P.S. Sirhind in which

Sandeep Kaur is on bail and investigation of the case is still pending. It is further submitted that proclamation proceedings are not pending against either of the parties, as stated by IO ASI Baljit Singh.”

The latest judgment of Three Judges Bench passed in ***State of Madhya Pradesh vs. Laxmi Narayan and others*** in ***Criminal Appeal No. 349 of 2019*** dated 05.03.2019 has reiterated the law laid down in ***Narinder Singh Vs. State of Punjab, (2014) 6 SCC 466*** and, particularly with reference to Section 307 IPC have held as follows :-

“29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are 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 latter 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.”

It is stated that the complainant is the wife and the accused is the husband. Apart from everything else the parties are now residing together and this fact has been corroborated by ASI Amarjit Singh. Though Section 307 IPC was invoked on the ground that there was a sharp edged weapon injury on the head yet a perusal of the medical report shows that the head wound is an incised wound of about 2 cmx0.5cm.

In ***Laxmi Narayan (supra)*** their Lordships have made a special mention of proceedings arising out of matrimonial relations.

In view of the above judicial pronouncement, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

25.03.2019

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

**(AJAY TEWARI)
JUDGE**

Yes/No
Yes/No