

274 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.9454 of 2019 (O&M)
Date of Decision : 09.04.2019**

Gurpreet Singh @ Judge & ors.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. R.S.Aulakh, Advocate
 for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Sarju Puri, 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.6 dated 19.05.2018 under Sections 307/325/450/323/506/148/149 IPC and Sections 25/54/59 of Arms Act 1959 at Police Station City Zira, District Ferozepur 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, Mr. Ramandeep Sandhu, Senior DAG, Punjab accepts notice on behalf of respondent No.1-State and copy

of the paper book has been supplied to him in the Court itself.

Counsel for the petitioners has stated that normally this Court would first get the statements recorded of the parties but in the present case the complainant has left a foreign country after entering into the compromise and he has filed two affidavits.

Learned Senior Deputy Advocate General on instructions from ASI Gurdip Singh has stated that the compromise had infact taken place and the complainant had left for South Africa after the compromise.

In the circumstances, I deem it appropriate to forgo the normal procedure for getting the statement recorded.

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*** decided on 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.”

Counsel for the petitioners has argued that this is a no injury case. As per the allegations two shots were fired by two persons. One miss fired and the other missed the complainant.

Learned Senior Deputy Advocate General on instructions from ASI Gurdip Singh has accepted that no empty shell was recovered from the spot and is not in a position to show why this case would not be covered by the judgment of the Supreme Court quoted above.

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.

09.04.2019

Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No