

CRM-M-10274 of 2019

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

CRM-M-10274 of 2019
Date of Decision: 29.05.2019

Gurchet Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. H.S. Batth, Advocate, for the petitioners.
Mr. Hittan Nehra, Addl. A.G., Punjab.
Mr. Gaurav Kalsi, Advocate, for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

Receipts qua deposit of costs produced in Court today
are taken on record.

Prayer in the instant petition under Section 482 Cr.P.C.
has been made for quashing FIR No.197 dated 23.10.2018
registered under Sections 307, 323, 148, 149 IPC and Sections 25
and 27 of the Arms Act, 1959 at Police Station Sadar Patti, District
Tarn Taran, along with all consequential proceedings arising
therefrom on the basis of compromise entered into between the
parties.

Pursuant to order dated 06.03.2019 of this Court, the
parties appeared before the trial Court on 25.04.2019 to get their
statements recorded. Learned Sub Divisional Judicial Magistrate,
Patti, has submitted his report vide letter bearing No.322 dated

25.04.2019 duly forwarded by learned District and Sessions Judge,

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Tarn Taran, vide Endst. No.2527-R dated 25.04.2019.

According to the report of learned Sub Divisional Judicial Magistrate, Patti, petitioners have deposited the amount of ₹15,000/- in the relevant heads as directed by this Court vide order dated 06.03.2018. Learned Magistrate is satisfied that compromise arrived at between the parties is genuine one. None of the accused has been declared proclaimed offender.

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.”

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

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is based on evidence or it is just for the sake of incorporation in the FIR.”

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.197 dated 23.10.2018 and all subsequent proceedings arising therefrom, are quashed.

Disposed of accordingly.

May 29, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No