

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

**C.R.M-M No.27715 of 2018 (O&M)
Date of Decision : 09.04.2019**

Bhupinder Singh @ Sunny & anr.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. B.S.Bhalla, Advocate for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

None for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.74 dated 23.05.2018 under Sections 307/324/323/34 IPC at Police Station E-Division Amritsar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 06.07.2018 the following order was passed :-

“The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.74 dated 23.05.2018, under Section 307, 324, 323, 34 IPC, registered at Police Station City E-Division Amritsar (Annexure P-1) on the basis of compromise entered among the parties.

Notice of motion.

On the asking of the court, Mr. Nikhil K.Chopra, AAG, Punjab accepts notice on behalf of the State. Mr. Paras Jagga,

Advocate has put in appearance on behalf of respondent No.2. Learned counsel for the petitioner is directed to furnish 3 sets of paper book to learned counsel for the respondents during the course of the day.

Learned State counsel is hereby directed to verify whether the parties can enter into compromise in view of the offence punishable under Section 307 IPC or not?

List this matter on 01.11.2018.”

Learned Senior DAG states that the injury caused was an inside wound over the temple region of head, 4 cm above lateral end of the eyebrow. The allegation against the petitioners was that it was hit with the datar blow. He further states that the matter is not covered by the parameters laid down in the latest Three Bench Judgment of the Supreme Court passed in **State of Madhya Pradesh vs. Laxmi Narayan and others** in ***Criminal Appeal No. 349 of 2019*** dated 05.03.2019 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.”

After arguing for some time and realizing that this Court is not inclined to grant any relief to the petitioners, learned counsel for the petitioners prays for permission to withdraw the present petition with liberty to raise the issue of compromise before the trial Court and the trial Court is directed to consider the same at the stage of judgment.

Allowed as prayed for.

Dismissed as withdrawn with the aforesaid liberty.

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
Whether Reportable :

Yes/No
Yes/No