

261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.36030 of 2018 (O&M)
Date of Decision : 25.03.2019

Navneet Singh @ Billa & anr.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Tarun Vir Singh Lehal, 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.72 dated 07.07.2018 under Sections 307/148/149 IPC and Sections 25 & 27 of Arms Act 1959 at Police Station Sadar Batala, District Batala and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 24.09.2018 the following order was passed :-

“Learned State counsel, on instruction from I.O. Mitter Maan Singh, has stated that it is not a injury case.

Let both the parties appear before the learned Illaqa Magistrate, who shall record the statements of the parties and report to this Court whether the compromise effected between the parties is genuine and without any pressure.

List on 29.11.2018.”

On 29.11.2018 the following order was passed :-

“CRM-42135-2018

Heard.

For the reason mentioned in application, application is allowed.

Amended Memo of Parties is taken on record.

Application is disposed of.

Main case

In these circumstances, parties are given opportunity to appear before learned Illaqa Magistrate on a convenient date and make statements before learned Illaqa Magistrate, in terms of last order, passed by this Court, who shall record statements of both parties and report be awaited for 24.1.2019.”

Thereafter on 24.01.2019 the following order was passed :-

“Report of learned Judicial Magistrate, Ist Class, Batala has been received that the parties have effected compromise which is without any pressure or coercion.

State is directed to file written objection to the compromise, if any.

List on 22.02.2019.”

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.”

Counsel for the petitioners states that this is no injury case. As per the allegation the accused had fired. The main accused-Lovedeep Singh along with one co-accused has not been arrested. The allegations are of firing by Lovedeep Singh. He further states that no overt act was in any case attributed to the petitioners.

Thereafter, the report of the Judicial Magistrate 1st Class, Batala dated 17.01.2019 has been received wherein it has been mentioned that :-

“i) Compromise between the parties is valid and genuine and it is voluntarily effected between the parties with their free consent and without any pressure, threat, coercion or undue

influence from any quarter.

ii) This FIR was registered against accused Navneet Singh and Sanampreet Singh by name and also against 8 unknown persons and as per the statement of investigating officer, now three persons namely Lovedeep Singh, Gurnam Singh both residents of village Makhi Margindpur and Babbal resident of village Burj, District Tarn Taran have also been nominated in this case, but they have not been arrested so far.”

Learned Senior Deputy Advocate General 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.

(AJAY TEWARI)
JUDGE

25.03.2019

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No