

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-51314-2018

Date of Decision: 28.05.2019

Karamjit Singh @ Kamma and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Vikas Gupta, Advocate for the petitioners.

Mr. AS Gill, DAG, Punjab.

Mr. Minkal Thatai, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 482 Cr.P.C. has been made for quashing FIR No.111 dated 24.05.2018 (Annexure P-1) registered under Sections 326, 324, 506, 148 and 149 IPC (Section 307 IPC added later on) and all subsequent proceedings arising therefrom, on the basis of compromise dated 12.11.2018 (Annexure P-2) effected in between the parties.

Pursuant to orders dated 21.11.2018 and 21.01.2019 of this Court, the parties appeared before the Additional District and Sessions Judge, Tarn Taran, on 19.03.2019 to get their statements recorded. Learned Additional District and Sessions Judge, Tarn Taran, has submitted her report vide letter No. 275 dated 25.03.2019, duly

forwarded by the learned District and Sessions Judge, Tarn Taran, vide Endst. No. 1742-R dated 25.03.2019.

According to the report, Additional District and Sessions Judge, Tarn Taran, is satisfied that compromise effected between the parties is genuine one.

In the instant case, quashment of FIR No. 111 dated 24.05.2018 (Annexure P-1) under Section 307 IPC, has been sought. 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 is based on evidence or it is just for the sake of incorporation in the FIR.”

In compliance of order dated 28.02.2019, original receipts regarding deposit of costs of ₹15,000/- have also been filed in the Registry. The same are taken on record. Be tagged at appropriate place.

Considering the report of Additional District and Sessions Judge, Tarn Taran, dated 25.03.2019 and deposit of costs as well as the fact that the compromise will bring peace and harmony in relations between the parties, aforesaid FIR No.111 dated 24.05.2018 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly

May 28, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No