

261-13 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

C.R.M-M No.62141 of 2018 (O&M)  
Date of Decision : 25.03.2019

Gurtej Singh

..... Petitioner

Versus

State of Punjab & anr.

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

Present : Mr. P.S.Dhaliwal, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

None for respondent No.2.

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**AJAY TEWARI, J. (Oral)**

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.47 dated 30.04.2018 under Sections 307 IPC at Police Station Dhanaula, District Barnala and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 11.02.2019 the following order was passed :-

*“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.47 dated 30.04.2018 registered under Section 307 IPC at Police Station Dhanaula, District Barnala 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, Ms. Amarjit Kaur Khurana, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent No.1. Mr. D.S. Dhillon, Advocate has entered appearance on behalf of*

*respondent No.2. Counsel for the petitioner undertakes to supply a copy of the petition to the learned opposite counsel during the course of the day.*

*To come up on 25.03.2019 a/w CRM-M-44292/18. Meanwhile, the parties are directed to be present before the concerned C.J.M/Illaqa Magistrate on 28.02.2019 or on any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties before the next date of hearing.”*

Thereafter, the report of the Chief Judicial Magistrate, Barnala dated 15.03.2019 has been received wherein it has been mentioned that :-

*“ the compromise effected between the complainant and accused is genuine, without any pressure and without any coercion. Further no criminal case and proclamation proceedings are pending against anyone in this case.”*

Learned Senior Deputy Advocate General states as per the medical report there was an elastrated wound on the head. 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 5.3.2019 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.

**25.03.2019**

*Pooja sharma-I*

( AJAY TEWARI )  
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No