

CRM-M-43081 of 2019

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

CRM-M-43081 of 2019
Date of Decision: 27.02.2020

Jagmohan Singh @ Mona and others

...Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. P.S. Dhaliwal, Advocate, for the petitioners.
Mr. Pawan Sharda, Sr. DAG, Punjab.
Mr. Rajender Kumar, Advocate, for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

In compliance of order dated 10.02.2020, learned counsel for the petitioners has produced receipts of ₹20,000/-. The same are taken on record. Registry is directed to verify the deposit of costs by the petitioners with the concerned quarters.

Prayer in the instant petition under Section 482 Cr.P.C. has been made for quashing FIR No.85 dated 29.11.2016 registered under Sections 307, 323, 451, 382, 506, 148, 149 IPC at Police Station Bhadaur, District Barnala, and all consequential proceedings arising therefrom, on the basis of compromise dated 25.07.2019 (Annexure P-2) arrived at between the parties.

Pursuant to order dated 21.11.2019 of this Court, the parties appeared before learned Chief Judicial Magistrate, Barnala, on 10.01.2020 to get their statements recorded. Learned Chief Judicial Magistrate,

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Barnala, has submitted his report vide letter bearing No.135 dated 04.02.2020, duly forwarded by learned District and Sessions Judge, Barnala, vide Endst. No.748/EB dated 05.02.2020.

According to the above report, compromise arrived at between the parties is genuine, without any pressure and coercion or undue influence. Accused Shinda Singh @ Timri is yet to be arrested.

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

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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.”

Therefore, in view of above and the fact that the compromise will bring peace and harmony between the parties, FIR No.85 dated

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29.11.2016 registered under Sections 307, 323, 451, 382, 506, 148, 149 IPC at Police Station Bhadaur, District Barnala, and all subsequent proceedings arising therefrom, are quashed qua petitioners only.

Disposed of accordingly.

February 27, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

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