

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

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**CRM-M-11769-2021 (O&M)
Date of Decision : 07.09.2022**

Arvinder @ Arvind @ Ravi

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Amit Singla, Advocate
for the petitioner.

Mr. Tanuj Sharma, Asstt. A.G., Haryana
for respondent No.1-State.

Mr. Karan Singh, Advocate
for respondent No.2.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-9659-2021

For the reasons mentioned in the application, the same is allowed and documents filed by the petitioner are taken on record as Annexures P-7 and P-8 and the petitioner is also exempted from filing the certified and true typed copies of the said documents.

CRM-M-11769-2021

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.304 dated 26.04.2016 registered under Sections 323, 325, 341, 147 and 148 of the Indian Penal Code, 1860 at Police Station City Hansi, District Hisar (**Annexure P-1**) (to which Section 307 of the IPC was added later on at the time of filing of challan) and all consequential

proceedings arising therefrom on the basis of compromise (**Annexure P-2**) effected between the private parties.

Pursuant to order dated 25.03.2021 passed by the Coordinate Bench of this Court, the parties appeared before learned District and Sessions Judge, Hisar to get their statements recorded. Learned District and Sessions Judge, Hisar submitted his report along with copies of statements of the parties vide letter No.334 dated 06.04.2021.

According to the report, learned District and Sessions Judge, Hisar is satisfied that compromise effected between the parties is genuine, outcome of free consent of the parties and is without coercion from any quarter.

I have heard learned Counsel for the petitioner, learned State Counsel and learned counsel for the complainant gone through the relevant record.

It is now well settled that the High Court has inherent power to quash the criminal proceedings in non-compoundable cases on the basis of settlement between the parties for securing the ends of justice or to prevent abuse of the process where the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case. Criminal cases having overwhelmingly and predominantly civil character particularly those arising out of commercial transaction or arising out of matrimonial relationship or family dispute can be quashed when the parties have resolved their entire dispute among

themselves. However, such power cannot be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape dacoity, etc. which are not private in nature and have a serious impact on society. Similarly, prosecution for offences alleged to have been committed under special enactments like the Prevention of Corruption Act or the offences committed by public servant while working in that capacity cannot be quashed on the basis of compromise between the victim and the offender. For judicial precedents in this regard, reference may be made to ***Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482, State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019 (2) RCR (Criminal) 255 and Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052.***

The Hon'ble Supreme Court in ***Narinder Singh's case (supra)*** has observed 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 CRM-M-16154-2016 titled 'Jagroop Singh and others Vs. State of Punjab and others' 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 view of above and the report dated 06.04.2021 of learned District and Sessions Judge, Hisar and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.304 dated 26.04.2016 (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only.

Disposed of, accordingly

07.09.2022
Kothiyal

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No