

(131+280) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-36868-2022 in/and
CRM-M-16053-2022
Date of decision :.29.09.2022

NAVJOT SINGH & OTHERS

... Petitioners

Versus

STATE OF PUNJAB & ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.S. Bains, Sr. Advocate for with
Ms. Aarushi Garg, Advocate the petitioners.
Mr. Ravinder Singh, Asstt. A.G., Punjab.

Mr. Vivek Singh, Advocate for respondent No.2-complainant.

JASJIT SINGH BEDI, J. (ORAL)

CRM-36868-2022

The present application has been filed by the learned counsel for the applicant-petitioner for placing on record MLR report of respondent No.2.

For the reasons mentioned in the application, the same is allowed and MLR report of respondent No.2 is taken on record.

CRM-M-16053-2022

The prayer in this petition is for quashing of an FIR No.204 dated 23.10.2021 (Annexure P-1) registered under Sections 323, 324, 341, 148, 149, 506 IPC (Sections 307 and 326 IPC added later on) at Police Station City Runpagar, District Rupnagar, Punjab along with all the consequential proceedings arising therefrom on the basis of a compromise dated 09.03.2022 (Annexure P-2), arrived at between the parties.

The learned counsel for the petitioners submits that offence under Section 307 IPC is not made out in the present case as there is no injury which has been declared dangerous to life on the person of Sikander Singh in the present case.

Vide order dated 20.04.2022, a Coordinate Bench of this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the aforesaid compromise.

The Illaqa Magistrate/trial Court was to submit a report in this aforesaid regard giving certain details as enumerated in the said order.

Pursuant to the order dated 20.04.2022, the parties have appeared before the learned Chief Judicial Magistrate, Runpanagar and as per the report dated 16.05.2022 submitted to this Court by the learned Magistrate, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected genuine compromise without there being any pressure, coercion or undue influence. In view of the compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.PC can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be fully in consonance with the direction issued by the Court in “*Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543*”.

In the present case, undoubtedly, the FIR has been registered under Section 307 IPC and therefore, the question would be as to whether the FIR could be quashed.

The Hon'ble Supreme Court in *Narinder Singh and Others vs State of Punjab and Another, 2014 (2) RCR (Criminal) 482, and State of Madhya Pradesh vs Laxmi Narayan and Others, 2019(2) RCR (Criminal) 255*, have categorized those cases where quashing on the basis of compromise was permitted and those in which, it was not permitted. It was further observed that the Court concerned may look into the medical evidence and examine the same to see as to whether the conviction under Section 307 of the IPC was possible or not. Thus, mere registration of an FIR under Section 307 did not foreclose the right of the accused to effect a compromise and get the FIR quashed.

In the present case, the injury on the head is a laceration caused by a blunt weapon. The grievous injury is in the right hand/left wrist

with a sharp edged weapon. Therefore, the possibilities of a conviction under Section 307 IPC are remote.

Hence, with a view to put a quietus to the incident between the parties, it would be in the interest of justice to quash the proceedings on the basis of a compromise and moreso, when the dispute is between young persons living in the same locality.

In view of the above, the present petition is allowed. FIR No.204 dated 23.10.2021 (Annexure P-1) registered under Sections 323, 324, 341, 148, 149, 506 IPC (Sections 307 and 326 IPC added later on) at Police Station City Runpagar, District Rupnagar, Punjab along with all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of a compromise dated 09.03.2022 (Annexure P-2).

(JASJIT SINGH BEDI)
JUDGE

29.09.2022

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No