

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

CRM-M-24816-2019 (O & M)

Date of decision: 08.09.2022

Lakhvir Ram @ Pindri

.... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rishu Garg, Advocate, for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Vinod K.Kanwal, Advocate,
for Mr. Talvinder Singh, Advocate, for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

CRM-29126-2022

This is an application under Section 482 Cr.P.C. for placing on record a copy of the FSL Report (Annexure P-6).

For the reasons mentioned in the application, the same is allowed and a copy of the FSL Report (Annexure P-6) is taken on record.

CRM-M-24816-2019

The Prayer in this petition is for quashing of FIR No.0030 dated 12.06.2018 under Section 307, 323, 506, 148, 149 IPC registered at Police Station Sehna, District Barnala and all consequential proceedings arising therefrom on the basis of compromise dated 15.05.2019 (Annexure P-2) arrived at between the parties.

Vide order dated 29.05.2019 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in

terms of certain parameters given in the aforesaid order dated 29.05.2019 with regard to the compromise dated (Annexure P-2).

A perusal of the order dated 27.09.2019 passed by the co-ordinate Bench of this Court would reveal that the cost imposed vide order dated 29.05.2019 was deposited and a receipt thereof was produced before this Court. Thus, in terms of the orders dated 29.05.2019 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class, Barnala and as per his report dated 24.09.2019 submitted to this Court, both the parties have got recorded their respective statements in Court.

Perusal of the aforesaid report would show that the parties have effected a 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)*

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 petitioner/accused to effect a compromise and get the FIR quashed.

In the present case, as per the opinion of the doctor there was injury i.e. injury no.1 'bleed right ear. Mild bleed present from right ear. Advise Ent/Neurology Opinion', which was declared as grievous injury. An injury which has been declared "grievous" would be punishable under Section 326 IPC. Therefore, in the present case, the possibility of conviction being recorded under Section 307 IPC is unlikely.

In the present case, except for the present petitioner-Lakhvir Ram @ Pindri, there were two accused, namely, Balkaran Singh @ Nikku and Sarabjit Singh @ Kapil (both juvenile), who were acquitted by the Judicial Magistrate Ist Class, Barnala vide judgment/order dated April 20, 2019.

Further, the learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in *Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589 and this Court in Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739- 2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017 and Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019*, submits that partial

Keeping in view the law laid down in the aforesaid judgment, the present petition is allowed. FIR No.0030 dated 12.06.2018 under Section 307, 323, 506,148, 149 IPC registered at Police Station Sehna, District Barnala along with all the consequential proceedings arising therefrom are hereby quashed on the basis of a compromise dated 15.05.2019 (Annexures P-2) qua the petitioner.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 08, 2022
Sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No