

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-43427-2019

Date of Decision:-07.09.2022

Arundeep Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amit Arora, Advocate for the Petitioner.

Mr. Ravinder Singh, Assistant Advocate General, Punjab.

Mr. Parminder Singh Kanwar, Advocate for
respondent nos.2 to 4.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for quashing of FIR No.18 dated 23.03.2019 (Annexure P-1) under Sections 323, 324, 341, 506, 148, 149 IPC (Offence under Section 307 IPC added later on) registered at Police Station City Sarai Amanat Khan, District Tarn Taran and all consequential proceedings arising therefrom on the basis of compromise dated 03.07.2019 (Annexure P-7) arrived at between the parties.

Vide order dated 01.11.2019 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 01.11.2019 with regard to the compromise dated 03.07.2019 (Annexure P-7).

In terms of the orders dated 01.11.2019 passed by this Court parties have appeared before the court of Mr. Rakesh Kumar Sharma, Additional Sessions Judge, Tarn Taran and as per report dated 13.07.2020 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) 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 petitioners/accused to effect a compromise and get the FIR quashed.

In the present case, as per the opinion of the doctor attached as Annexure P-5 the injuries on the person of Ranjit Singh are simple in nature but in case of Dharminder Singh (Annexure P-4) the injury was said to be dangerous to life as it is on the vital part of the body, though the injury itself has been declared to be simple in nature. An injury which has been “declared dangerous to life” is in fact an injury which is “endangering life” and therefore would be punishable under Section 326 IPC. Therefore, in the present case if a conviction was to be recorded, in all probabilities it would be one under Section 326 IPC and not under Section 307 IPC. It has been

so held in *Atma Singh Vs. The State of Punjab* 1980 PLR 719, *Mohinder Singh & Ors. Vs. State of Punjab* 2012(4) RCR (Criminal) 214, *Narender Singh Vs. State of Haryana & Ors.* 2020(3) RCR (Criminal) 66, *Mehmood Akhtar Vs. State of Punjab* 2014(16) RCR (Criminal) 43 & *Pritam Singh & Anr. Vs. State of Punjab* Crl. Appeal No.1126-SB-1999 Decided on 25.02.2010.

In view of the above, the present petition is allowed. FIR No.18 dated 23.03.2019 (Annexure P-1) under Sections 323, 324, 341, 506, 148, 149 IPC (Offence under Section 307 IPC added later on) registered at Police Station City Sarai Amanat Khan, District Tarn Taran and all consequential proceedings arising therefrom on the basis of a compromise 03.07.2019 (Annexure P-7) are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 07, 2022
Vinay

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