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

CRM-M-13380-2023
Date of Decision:-05.09.2023

SAJAN & OTHERS

.....Petitioners

Versus

STATE OF PUNJAB & OTHERS

.....Respondents.

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

Present:- Mr. Hitesh Chopra, Advocate
for the Petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Prince Goyal, Advocate for
Mr. Mayank Gupta, Advocate
for the respondent nos.2 to 5.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition is for quashing of FIR No.0017 dated 14.05.2022 (Annexure P-1) under Sections 324, 323, 379-B, 427, 148, 149 IPC, 1860 (Sections 326 and 307 IPC added later on vide DDR No.32 on 16.05.2022 and DDR No.15 on 24.05.2022 respectively) at Police Station Nangal Bhoor, District Pathankot and all consequential proceedings arising therefrom on the basis of compromise dated 07.10.2022 (Annexure P-2) arrived at between the parties.

Vide order dated 17.03.2023 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 17.03.2023 with regard to the compromise dated 07.10.2022 (Annexure P-2).

In terms of the orders dated 27.07.2021 passed by this Court parties have appeared before the Chief Judicial Magistrate, Pathankot and as per her report dated 03.05.2023 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 petitioner/accused to effect a compromise and get the FIR quashed.

In the present case, as the injury No.1 is found to be grievous in nature, the question of recording of a conviction under Section 307 IPC is unlikely. Even otherwise, 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 probability 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 such a situation to put quietus to the incident between the parties it would in the interest of justice to quash the proceedings on the basis of the compromise.

In view of the above, the present petition is allowed. FIR No.0017 dated 14.05.2022 (Annexure P-1) under Sections 324, 323, 379-B, 427, 148, 149 IPC, 1860 (Sections 326 and 307 IPC added later on vide DDR No.32 on 16.05.2022 and DDR No.15 on 24.05.2022 respectively) at Police Station Nangal Bhoor, District Pathankot along with all the consequential proceedings arising therefrom are hereby quashed on the basis of a compromise dated 07.10.2022 (Annexure P-2) qua the petitioner.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

05.09.2023
JITESH

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>