

CRM-M-19884-2023 (O & M)
(273)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19884-2023 (O & M)

Date of decision: 10.08.2023

Prem Parkash @ Babbu and ors.

.... Petitioners

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Deepti Rampal, Advocate,
for the petitioners.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Munish Puri, Advocate,
for the respondents No.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No. 39 dated 17.05.2022 under Sections 307, 323, 506, 148, 149, 324 and 325 PC registered at Police Station Sadar, District Pathankot and all consequential/subsequent proceedings arising therefrom on the basis of a compromise (Annexure P-2).

Vide order dated 24.04.2023 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 24.04.2023 with regard to the compromise (Annexure P-2).

In terms of the order dated 24.04.2023 passed by this Court parties have appeared before the court of the Judicial Magistrate Ist Class, Pathankot and as per the report dated 19.05.2023 submitted to this Court, both the parties have got recorded their respective statements in Court.

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A 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.

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According to the opinion of the doctor placed on record as Mark 'A', the injuries No.2 and 3 were declared to be "dangerous to life".

Be that as it may, as the injuries No.2 and 3 which have 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-1 999 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 and the FIR No. 39 dated 17.05.2022 under Sections 307, 323, 506, 148, 149, 324 and 325 PC registered at Police Station Sadar, District Pathankot along with all the consequential proceedings arising therefrom are hereby quashed on the basis of a compromise (Annexure P-2 qua the petitioners only).

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 10, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No