

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

CRM-M-21682-2023

Date of Decision:-08.08.2023

Sham Deen & Ors.

.....Petitioners.

Vs.

State of Punjab & Anr.

.....Respondents.

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

Present:- None for the Petitioners.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Section 482 Cr.PC is for quashing of FIR No.235 dated 05.09.2021 (Annexure P-1) under Sections 307, 341, 323, 324, 427, 34 IPC registered at P.S. Phillaur, District Jalandhar Rural on the basis of compromise vide Annexure P-2.

On 02.05.2023 the following order was passed:-

“ The present petition has been filed under Section 482 Cr.PC for quashing of an FIR No.235 dated 05.09.2021 (Annexure P-1) registered under Sections 307, 341, 323, 324, 427, 34 IPC registered at P.S. Phillaur, District Jalandhar Rural Meharban, District Ludhiana, Punjab and all other consequential proceedings arising therefrom, on the basis of compromise dated 02.04.2023 (Annexure P-2) entered into between the parties.

The learned counsel for the petitioners submits that in order to live peacefully, parties have entered into Compromise on 02.04.2023 (Annexure P-2), according to which, both the

*parties have agreed not to proceed further with the FIR in question. He contends that 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.***

Notice of motion.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab who is present in Court accepts notice on behalf of respondent No.1-State.

Adjourned to 08.08.2023.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the Compromise dated 02.04.2023 (Annexure P-2) on 11.05.2023 by moving an appropriate application or by presenting this order. The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information in tabulated form:

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the*

*FIR and all the victims/complainant as well as
accused are party to the compromise in question.
The petitioners shall deposit a cost of Rs.25,000/-
(collectively) with the District Legal Services Authority
concerned on or before the date of recording of their statements
and produce the receipt of the same to the Trial Court/Illaq
Magistrate.”*

Today in pursuance to the aforementioned order a report has
been received from the Trial Court as per which the parties to the
compromise did not appear before the court for getting recorded their
statements.

In view of the above, the present petition is dismissed.
However, the petitioners are at liberty to approach this Court once again if a
compromise is effected.

(JASJIT SINGH BEDI)
JUDGE

August 08, 2023

Vinay

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