

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

CRM-M-26365-2021

Date of Decision:-30.08.2022

Fatehbir Singh & Ors.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

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

Present:- Mr. Kushagra Mahajan, Advocate for the Petitioners.

Mr. Harkanwar Jeet Singh, Assistant Advocate General,
Punjab.

Mr. Anil Kumar Garg, Advocate for the respondent nos.2 to 4.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for quashing of FIR No.121 dated 21.05.2019 under Sections 323, 324, 341, 148, 149 IPC and Section 307 added later on registered at Police Station Lopoke, District Amritsar Rural and all consequential proceedings arising therefrom on the basis of compromise dated 31.12.2019 (Annexure P-2) arrived at between the parties.

Vide order dated 19.07.2021 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 19.07.2021 with regard to the compromise dated 31.12.2019 (Annexure P-2).

In terms of the orders dated 19.07.2021 passed by this Court

parties have appeared before the court of Sh. Ankit Airi, Judicial Magistrate Ist Class, Ajnala and as per report dated 03.11.2021 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.

The Counsel for the petitioner contends that the nature of the injury is grievous, though as per the opinion of the doctor the said injury could cause danger to life or serious permanent damage. He contends that the said injuries, even if they were dangerous to life were endangering life in terms of Section 326 IPC and, therefore, the possibility of recording of a conviction under Section 307 IPC is unlikely. 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.121 dated 21.05.2019 under Sections 323, 324, 341, 148, 149 IPC and Section 307 added later on registered at Police Station Lopoke, District Amritsar Rural along with all the consequential proceedings arising therefrom are hereby quashed on the basis of a compromise dated 31.12.2019 (Annexure P-2) qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 06, 2023
Vinay

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