

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

CRM-M-38290-2021

Date of Decision:-11.08.2023

Umar Mohammad & Ors.

.....Petitioner.

Versus

State of Haryana & Ors.

.....Respondents.

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

Present:- Mr. S.K. Bawa, Advocate for the Petitioners.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

Mr. Kamal Narula, Advocate for
Mr. Naveen Sharma, Advocate respondent no.2 to 7.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for quashing of FIR No.63 dated 16.06.2021 (Annexure P-1) under Sections 148, 149, 323, 427, 452, 506 IPC and Sections 25 of Arms Act (Later on Sections 307 IPC also added vide DDR No.20 dated 3.07.2021) registered at Police Station Uttawar, District Palwal, Haryana and all consequential proceedings arising therefrom on the basis of compromise dated 25.08.2021 (Annexure P-3) and Affidavits dated 25.08.2021 (Annexure P-4 to P-9) arrived at between the parties.

Vide order dated 22.02.2023 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 22.02.2023 with regard to the compromise dated 25.08.2021 (Annexure P-3) and Affidavits dated 25.08.2021 (Annexure P-4 to P-9).

In terms of the orders dated 22.02.2023 passed by this Court parties have appeared before the court of Mr. Pawan Kumar, Sub Divisional

Judicial Magistrate, Hathin and as per his report dated 19.07.2023 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 per the opinion of the doctor there was an injury on the head of injured Rizwan which was declared as dangerous to life. 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 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 report of SDJM, Hathin (Palwal) the present petition is allowed and the FIR No.63 dated 16.06.2021 (Annexure P-1) under Sections 148, 149, 323, 427, 452, 506 IPC and Sections 25 of Arms Act (Later on Sections 307 IPC also added vide DDR No.20 dated 3.07.2021) registered at Police Station Uttawar, District Palwal, Haryana along with all the consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

**(JASJIT SINGH BEDI)
JUDGE**

August 11, 2023

Vinay

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