

CRM-M-47835-2023

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2023:PHHC:145138

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

276

CRM-M-47835-2023

Date of Decision: 15.11.2023

Chander Shekhar @ Shekhar Sharma

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sunil Agnihotri, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Vishal Munjal, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.69 dated 19.04.2023 registered under Sections 307, 452 and 506 Indian Penal Code, at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 02.09.2023 (Annexure P-2).

2. Learned counsel for the petitioner contends that no offence under Section 307 of IPC is made out as it is a case of no injury and compromise quashing under Section 307 of IPC is only permissible when the ingredients of Section 307 of IPC are completely missing.

3. The FIR has been registered on the statement of complainant-respondent No.2/Prince Kumar Katna. Now with the intervention of

respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

4. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of this direction, a report has been received from Sub Divisional Judicial Magistrate, Mukerian stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

5. Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

6. Having heard learned counsel for the parties and perused the record with their able assistance, this Court is of the considered view that in the absence of any injury, the offence under Section 307 IPC is not made out. A two-Judge Bench of the Hon'ble Supreme Court in the case of **Narinder Singh Vs. State of Punjab, 2014(6) SCC 466**, has held as under:-

“(VI) Offences under [Section 307](#) IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of [Section 307](#) IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of [Section 307](#) IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if

proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.”

See also: ***Dimpey Gujraj Vs. Union Territory, (2013) 11 SCC 497, The State of Madhya Pradesh Vs. Laxmi Narayan and others, (2019) 5 SCC 688, Abhishek Singh and others Vs. State of Punjab, passed in CRM-M-25669-2020, decided on 07.04.2022 and Amar Palta and another Vs. State of Punjab, passed in CRM-M-15069-2016, decided on 14.02.2018.***

7. A compromise entered into by the parties of their own free will benefits all those who are involved and is often dubbed as the “*finest hour of justice*.”. It not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are

bleak. A two Judge Bench of the Hon’ble Supreme Court in ***Shakunta***

Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63,

speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

8. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others (supra) and Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No.69 dated 19.04.2023 registered under Sections 307, 452 and 506 Indian Penal Code, at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

15.11.2023

D.Bansal

(HARPREET SINGH BRAR)
JUDGE

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