

268 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

Date of Decision: 05.03.2024

SATVEER SINGH @ SATVIR SINGH @ RAJA AND OTHERS
...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shubham Goyal, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Piyush Setia, 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. 46 dated 10.03.2023 registered under Sections 307, 323, 148 and 149 of Indian Penal Code (Section 325 of IPC added later on) at Police Station Phillaur, District Jalandhar Rural and all subsequent proceedings arising therefrom in view of the compromise 06.01.2024 (Annexure P-3).

2. The following order was passed on 01.02.2024:

“The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 46 dated 10.03.2023 under Sections 307, 323, 148 and 149 of Indian Penal Code (Section 325 IPC added later on vide DDR No. 15 dated 28.12.2023) registered at Police Station Phillaur, District Jalandhar Rural (Annexure P-1) on the basis of compromise dated 06.01.2024 (Annexure P-3).

Learned counsel for the petitioners inter alia contends that no offence under Section 307 IPC is made out and he relies upon judgment passed by Hon'ble Supreme Court in State of Madhya Pradesh vs. Laxmi Narayan, (2019) 5 SCC 688. He further submits that perusal of the

FIR (supra) clearly indicates that the complainant suffered injuries on non-vital parts of the body i.e. between fingers and thumb of the left hand, as such the essential ingredients of knowledge and intention under Section 307 of IPC are clearly missing.

Notice of motion.

At this stage, on the asking of the Court Mr. Subhash Godara, Addl. A.G. Punjab accepts notice on behalf of respondent No.1-State and Mr. Piyush Setia, Advocate accepts notice on behalf of respondent No. 2 and files his Vakalatnama and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete. The parties are directed to appear before the learned trial Court/ Illaqa Magistrate within two weeks or any other date convenient to concerned Court to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against the petitioner on or before the date fixed i.e. 05.03.2024.

A copy of the order be sent to the learned trial Court/Illaqa Magistrate through fax for compliance.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63 and Full Bench of this Court in Kulwinder Singh Vs. State of Punjab 2007 (3) RCR**

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(Crl.) 1052, this petition is allowed and FIR No. 46 dated 10.03.2023 registered under Sections 307, 323, 148 and 149 of Indian Penal Code (Section 325 of IPC added later on) at Police Station Phillaur, District Jalandhar Rural and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

05.03.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

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