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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 5190 of 2019

Date of Decision: 29.01.2024

Satnam Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Devansh Khanna, Advocate for
Mr. Vaibhav Narang, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab assisted by
ASI Harjinder Singh.

Mr. Subhash Chand, Advocate
for respondents No. 2 to 4.

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. 50 dated 28.05.2017 registered under Sections 307, 324, 323, 148 and 149 Indian Penal Code and Sections 25 and 27 of Arms Act, 1959 at Police Station Chattiwind, District Amritsar Rural and all subsequent proceedings arising therefrom in view of the compromise dated 15.11.2018.

2. The following order was passed on 04.02.2019:

“Prayer in this petition is for quashing of FIR No.50 dated 28.05.2017 under Sections 307, 324, 323, 148, 149 IPC and Sections 25/27 of Arms Act, registered at Police Station Chattiwind, District Amritsar Rural and all the subsequent proceedings arising therefrom, on the basis of compromise.

Notice of motion for 06.05.2019.

On asking of the Court, Mr. Sidakmeet Sandhu,

AAG, Punjab accepts notice on behalf of respondent No.1 while Mr. Subhash Chand Advocate has appeared on behalf of respondents No.2 to 4.

Learned counsel for the petitioners is directed to supply a copy of paper book to counsel opposite during course of the day.

In the meantime, parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements with regard to compromise/settlement within a period of 30 days from today.

The trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information: -

- 1. Number of persons arrayed as accused in FIR,*
- 2. Whether any accused is proclaimed offender, and*
- 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.*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

3. Learned counsel for the petitioners *inter alia* contends that the perusal of the allegations contained in the FIR would show that the offence under Section 307 of IPC is not made out as none of the injury suffered by the complainant is on vital part and dispute is purely a private dispute between the close relatives. Now, with the intervention of the common relatives, they have resolved their disputes. A report dated 13.09.2023 has been received from Judicial Magistrate Ist Class, Amritsar to the effect that the compromise between the parties is genuine, voluntarily and arrived at without any pressure or coercion from anyone.

Madhya Pradesh v. Laxmi Narayan and others (2019) 5 SCC 688 opined that even though offence under Section 307 IPC is a serious heinous offence and should be treated as a crime against society, it is open to the High Court to explore the facts and circumstances of the case to be satisfied that the ingredients of Section 307 IPC are made out.

5. 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 (Crl.) 1052**, this petition is allowed and FIR No. 50 dated 28.05.2017 registered under Sections 307, 324, 323, 148 and 149 of Indian Penal Code and Sections 25 and 27 of Arms Act, 1959 at Police Station Chattiwind, District Amritsar Rural and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

29.01.2024

Rajeev (rvs)

(HARPREET SINGH BRAR)

JUDGE

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