

245 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-27022-2018 (O&M)

Date of Decision: 28.02.2024

UMED AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajesh Lamba, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Vinod Kumar, Advocate for
Mr. Pankaj, Advocate for respondents No. 2 to 7.

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. 156 dated 29.04.2018 registered under Sections 148, 149, 323 and 506 of Indian Penal Code (offender Under Section 307 of IPC is added later on) at Police Station Rajendra Park, District Gurugram and all subsequent proceedings arising therefrom in view of the compromise 28.05.2018 (Annexure P-3).

2. The following order was passed on 03.07.2018:

“Learned counsel for the petitioners submits that after registration of the FIR, the matter has since been compromised between the parties vide compromise deed, copy of which has been placed on file as Annexure P-3, with the intervention of friends and respectable.

The case is still under investigation and challan has not been presented.

Notice of motion.

Mr. Pankaj, Advocate, who is present in the Court accepts notice on behalf of respondents No. 2 to 7 and filed power of attorney.

Parties may appear before the Chief Judicial Magistrate, Gurugram on 26.07.2018 or on any other date

convenient to the Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the Court. In the event of their statements being recorded, the Court will send copies of the same to this Court with its report:

(i) regarding genuineness and voluntary nature of the compromise;

(ii) whether all the accused/petitioners are appearing before the Court or are on bail; and

(iii) whether any other proceeding is pending against the accused/petitioners.

Report be awaited for 10.10.2018.”

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. Learned counsel for the petitioners submits that offence under Section 307 is not made out as the incident has taken place at the spur of the moment and parties are related to each other and the extent and nature of injuries clearly indicate that the offence under Section 307 is not attracted and relies upon the judgment of Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Laxmi Narayan (2019) 5 SCC 688*** to contend that an FIR under Section 307 of IPC can be quashed, in case the ingredients attracting the involvement of Section 307 of IPC are missing from the FIR.

5. This Court finds force in the arguments advanced by learned counsel for the petitioners and 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**

CRM-M-27022-2018

Punjab 2007 (3) RCR (Crl.) 1052, this petition is allowed and FIR No. 156 dated 29.04.2018 registered under Sections 148, 149, 323 and 506 of Indian Penal Code (offence under Section 307 of IPC added later on) at Police Station Rajendra Park, District Gurugram and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

28.02.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

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