

CRM-M-26946-2023

262 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-26946-2023 (O&M)

Date of Decision: 22.02.2024

BIKRAMJEET SINGH @ VIKRAM SINGH @ SONU AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Davinder Kumar, 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. 147 dated 15.11.2021 registered under Sections 307, 341, 324 and 34 of Indian Penal Code at Police Station Nehinawala, District Bathinda and all subsequent proceedings arising therefrom in view of the compromise 17.01.2022 (Annexure P-2).

2. The following order was passed on 26.05.2023:

“The petitioners arraigned as accused in the FIR captioned below, have come up before this Court under Section 482 CrPC to quash the FIR and all consequential proceedings based on the compromise amicably arrived at with the victim(s).

Notice served upon the official respondent through the State's counsel. Counsel appearing for the private respondent states on infructuous that there is no objection if the FIR and all consequent proceedings mentioned in this peon are quashed.

Given above, the petitioners and the private respondent, and all other victim(s), if not arraigned as respondents, to appear before the concerned Trial Court/Illaqa Magistrate/Duty Magistrate **on or before 09.06.2023**, for getting their statements recorded with regard to the compromise arrived at between them. Before recording their statements, the Ld. Judge should ensure the following aspects and send the report, in the following format, preferably before the next date fixed in this court:

Name of the reporting Court			
FIR No.	Dated	Police Station	Sections
147	15.11.2021	Nehinawala, District Bathinda	307, 341, 324, 34 of Indian Penal Code
Criminal Case no. before trial Court			

1.	Names of the complainant/victims(s)/aggrieved persons(s)	
2.	Dates on which the statement(s) of the complainant/victims(s)/aggrieved persons(s) were recorded	
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes/No
4.	Whether all the victims/ all the aggrieved persons have compromised the matter	Yes/No
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	Yes/No
6.	Names of the accused person(s)	
7.	Dates on which the statement(s) of the accused persons(s) recorded	
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes/No
9.	Whether proclamation proceedings are pending against any accused?	Yes/No
10.	Has the police report been filed or not?	Yes/No
11.	Notice of accusation/ Charges have been framed or not?	Yes/No
12.	Sections of statutes invoked in the matter	
13.	Whether the court is satisfied with the genuineness of the compromise?	Yes/No

There would be no need for a certified copy of this order, and any Advocate for the

Petitioners/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned Court can also verify its authenticity as may download and use the downloaded copy for immediate use, if required.

List on 14.07.2023.”

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 no offence under Section 307 of IPC is made out as none of the injuries suffered by the complainant is grievous in nature and moreover, there is no opinion of the doctor with regard to any of injury being dangerous to life and both the parties are closely related to each other 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 Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 147

dated 15.11.2021 registered under Sections 307, 341, 324 and 34 of Indian Penal Code at Police Station Nehinawala, District Bathinda and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

22.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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