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264 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29395-2019
Date of decision: May 23, 2024

Jagdish Singh @ Gurjant Singh @ Janta and others Petitioners
Versus
State of Punjab and others ...Respondents

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amandeep Singh, Advocate
 for the petitioners.

 Mr. Rahul Jindal, AAG, Punjab.

 Mr. Saurabh Kapoor, Advocate,
 for the complainant/respondent No.2 to 4.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of the FIR No.126 dated 09.08.2017 under Sections 324, 356, 148, 149 IPC and Sections 307, 379-B IPC added later registered at Police Station Haibowal, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise dated 23.04.2019 (Annexure P-3) entered into between the parties.



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Vide order dated 31.10.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 23.04.2019 (Annexure P-3) and the Illaqa Magistrate/Trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 31.10.2023 passed by this Court parties have appeared before the Court of Additional District and Sessions Judge, Ludhiana and as per report dated 26.04.2024 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. In view of the compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.PC can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***



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In the present case, undoubtedly, the FIR has been registered under Section 307 IPC and therefore, the question would be as to whether the FIR could be quashed.

The Hon'ble Supreme Court in *Narinder Singh and others VS. State of Punjab and Another, 2014 (2) RCR (Criminal) 482* and *State of Madhya Pradesh Vs. Laxmi Narayan and others, 2019 (2) RCR (Criminal) 255*, have categorized those cases where quashing on the basis of compromise was permitted and those in which, it was not permitted. It was further observed that the Court concerned may look into the medical evidence and examine the same to see as to whether the conviction under Section 307 of the IPC was possible or not.

The mere registration of an FIR under Section 307 IPC did not foreclose the right of the petitioner/accused to effect a compromise and get the FIR quashed.

In the present case, the injuries are grievous and simple in nature and therefore, would be punishable under Section 326 IPC. Therefore, in the present case if a conviction was to be recorded, in all probabilities it would be one under Section 326 IPC and not under Section 307 IPC. It has been so held in *Atma Singh Vs. The State of Punjab 1980 PLR 719*, *Mohinder Singh and Others Vs. State of Punjab 2012(4) RCR (Criminal) 214*, *Narinder Singh Vs. State Haryana and others 2020(3)*



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RCR (Criminal) 66, Mehmood Akhtar Vs. State of Punjab 2014(16) RCR (Criminal) and Pritam Singh and another Vs. State of Punjab Crl. Appeal No.1126-SB-199 decided on 25.02.2010.

In view of the aforesaid report of the Additional Sessions Judge, Ludhiana accompanied by the joint statements of both the parties, the present FIR No.126 dated 09.08.2017 under Sections 324, 356, 148, 149 IPC and Sections 307, 379-B IPC added later on registered at Police Station Haibowal, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise dated 23.04.2019 (Annexure P-3) entered into between the parties, are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 23, 2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No