



CRM-M-59764-2023

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(288)

CRM-M-59764-2023
Date of Decision : 30.09.2024

Baljit Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Rubal Pawar, AAG, Punjab.

Mr. Sunil Garg, Advocate
for respondent No.2.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, as cast under Section 482 of the Cr.P.C., the petitioner craves for the hereinafter extracted relief(s):-

“Quashing of the FIR No.47 dated 21.06.2022 (Annexure P-1), under Sections 307, 323, 341, 506 and 427 of the IPC, 1860, registered at Police Station Sadar Phagwara, District Kapurthala, along with all the consequential proceedings arising therefrom, on the basis of compromise deed dated 27.04.2023 (Annexure P-2).”

2. Upon an affirmative response from the learned counsel for the respondent No.2, qua the compromise, this Court had, through drawing an order on dated 06.12.2023 upon the instant petition, directed the parties to appear before the trial Court/Illaq Magistrate concerned, for getting their respective statements recorded qua authenticity of the compromise deed (Annexure P-2). Moreover, the trial Court/Illaq Magistrate concerned was

also directed to send a report in the above regard.



3. Consequent to the making of the directions (supra), the parties appeared before the District and Sessions Judge, Kapurthala, and got their respective statements recorded, thereby authenticating the compromise deed (Annexure P-2). Accordingly, in compliance of the directions (supra) of this Court, a Report has been received from the District and Sessions Judge, Kapurthala, wherein, a satisfaction has been recorded by the Magistrate concerned qua the compromise (supra) being drawn in a genuine and voluntary manner, without any coercion or undue influence.

4. This Court has heard learned counsel for the parties concerned, and has gone through the case file.

5. Learned counsel for the petitioner, in his yearning for grant of the relief extracted in the first paragraph of this verdict, submits that no one has suffered any grievous injury, rather, all the injuries suffered by the victim are simple in nature and the said injuries are on the non-vital parts. While placing reliance upon the MLR of the injured, which is annexed with the instant petition as Annexure P-3, he submits that all the injuries are simple injuries and are in the nature of abrasions.

6. What emerges from the study of the present FIR, is that the petitioner gave various spear blows to the victim on different parts of arms and legs. It is an admitted case of the prosecution that victim has not suffered any grievous injury. There is no corroborative evidence with the prosecution to substantiate the reasons for invoking the penal provisions of Section 307 of the IPC, 1860.

7. There is no dispute that the mere invocation of Section 307 of the IPC, 1860, would not act as a restraint for this Court to, in exercise of its power under Section 482 of the Cr.P.C., to examine as to whether, offence



under Section 307 of the IPC, 1860, is actually made out or it has been incorporated for the sake of it. The inference, as becomes generated in this regard from the scrutiny of the record, as also from the hereinabove made observations that the prosecution has not collected any relevant evidence which could gather the intention of the petitioner-accused, that he caused simple injury to the victim with an intention to kill him. Therefore, *prima facie*, this Court is of the view that offence under Section 307 of the IPC, 1860, is not made out against the petitioner.

8. Gainful reference, in this regard, can be made to the judgment rendered by the Hon'ble Supreme Court, in the case of “**Narinder Singh and others Vs. State of Punjab and other**”, (2014) 6 Supreme Court Cases 466.

The relevant paragraph of this judgment is extracted hereinafter:-

29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

xxx xxx xxx

29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead



to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the Settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

xxx xxx xxx

9. The above principle gets reiterated in the case of ***“State of Madhya Pradesh vs. Laxmi Narayan and others (2019)”***, 5 Supreme Court Cases 688, wherein, the Hon’ble Supreme Court has held as under:-

“15.1 That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;



15.3 Similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

15.4 Offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove”.



10. Furthermore, the Hon’ble Supreme Court in *Shakuntla Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63*, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.*The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....*”

11. Considering the facts of the present case as well as the principle of law laid down by Hon'ble Supreme Court, it would be futile to drag the present proceedings, as continuation of the criminal proceedings, despite settlement and compromise, would amount to abuse of process of law. Accordingly, in the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner/accused has been charged, are not grave in nature, as also in view of the law laid down in *Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543* and *Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052*, the present petition for quashing the FIR (supra) is hereby **allowed**. The FIR No.47 dated 21.06.2022 (Annexure P-1), under Sections 307, 323, 341, 506 and 427 of the IPC, 1860, registered at Police Station Sadar Phagwara, District Kapurthala, along with all the consequential proceedings arising therefrom, is hereby **quashed**, qua the petitioner, on the basis of compromise deed dated 27.04.2023 (Annexure P-2), subject to costs of Rs.5,000/- being forthwith deposited by the petitioner in the District Legal Services Authority concerned.

(KULDEEP TIWARI)
JUDGE

September 30, 2024
Manpreet