

CRM-M-63783-2023

270 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRM-M-63783-2023 (O&M)
Date of Decision: 05.02.2024

NAVTEJ SINGH
...Petitioner
V/S

STATE OF PUNJAB AND OTHERS
...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Ms. Nargis, Advocate for
Miss Amrinder Kaur, Advocate for respondents No. 2 and 3.

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. 195 dated 25.11.2021 registered under Sections 452, 323, 324, 34 of Indian Penal Code (Section 307 of IPC added later on) at Police Station Kotbhai, District Shri Muktsar Sahib and all subsequent proceedings arising therefrom in view of the compromise dated 01.12.2023 (Annexure P-2).

2. The following order was passed on 15.01.2024:

“Prayer in the present application is for extension of time for getting statements of parties recorded before the learned trial Court/Illaq Magistrate as they could not appear on the date fixed due to unavoidable circumstances.

Keeping in view the reasons mentioned in the present application, the same is allowed and the parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks for getting their statements recorded in terms of order dated 18.12.2023 passed by this Court, subject to payment of costs of Rs.5000/- to be deposited with the District Legal Services

Authority, Sri Muksar Sahib by the applicant- petitioner. Report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against the applicant- petitioner be sent by the learned trial Court/Illaqa Magistrate on or before the next date of hearing i.e. 05.02.2024.”

3. In compliance of the above 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 petitioner *inter alia* contends that the offence under Section 307 of IPC is not made out from the contents of the FIR and the same has been wrongly added in the FIR by the Investigating Agency just to aggravate the offences and father of the petitioner-Gurpreet Singh has been acquitted by the learned Sessions Judge, Shri Muktsar Sahib vide judgment dated 18.10.2023 and a clear cut finding has been given in para No. 14 of the said judgment by learned trial Court that prosecution has failed to establish the charges framed against the accused under Sections 307, 452, 326, 324, 323 and 34 of Indian Penal Code. Learned counsel further submits that the fight has taken place at the spur of the moment and the ingredients of intention and knowledge to invoke Section 307 of IPC are complete missing. Learned counsel further relies upon judgment of Hon’ble ***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 petitioner. 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. 195 dated 25.11.2021 registered under Sections 452, 323, 324, 34 of Indian Penal Code (Section 307 of IPC added later on) at Police Station Kotbhai, District Shri Muktsar Sahib and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

05.02.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No