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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-36526-2024

Date of Decision: **07.01.2025**

Om Parkash and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Piyush Setia, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Shubam Goyal, Advocate for
Mr. A.K. Dahiya, 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.185 dated 14.09.2020 under Sections 307/326/353/186/341/324/323/506/120-B/148/149 of IPC, 1860 registered at Police Station Khuhi Khera, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 28.09.2023 (Annexure P-2).

2. The following order was passed on 01.08.2024 by the co-ordinate Bench of this Court:-

“The present petition has been filed for quashing of FIR No.185 dated 14.09.2020 under Sections 307, 326, 353, 186, 341, 324, 323, 506, 120-B, 148 and 149 IPC registered at Police Station Khuhi Khera, District Fazilka and all other consequential proceedings arising therefrom, on the basis of compromise dated 28.09.2023 (Annexure P-2), entered into between the parties.

Learned counsel for the petitioners contends that the injury attracting Section 307 IPC had been attributed to

co-accused/Sushil and Rahul on the person of the complainant. An injury which is “dangerous to life” is in fact, an injury which is ‘endangering life’ and therefore would be punishable under Section 326 IPC. Therefore, in the present case if a conviction was to be recorded, in all probability it would be one under Section 326 IPC and not under Section 307 IPC. He, further, contends that both Sushil and Rahul have died.

Notice of motion for 17.12.2024.

Mr. Harkanwar Jeet Singh, AAG, Punjab, accepts notice on behalf of respondent No.1-State whereas Mr. Ajay Kumar Dahiya, Advocate, accepts notice on behalf of respondent No.2 and has filed his memo of appearance. He does not dispute the above said compromise, which has been arrived at between the parties, according to which, complainant does not wish to press the allegations alleged in the FIR any further.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statement with regard to compromise/settlement (Annexure P-2) on 16.10.2024 by moving an appropriate application or by presenting this order.

The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information in a tabulated form:-

- 1. Number of persons arrayed accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. The Trial Court is also directed to record the statement of the Investigating Officer/any other officer aware of the facts of the case so as to know how many victims/complainants are there in the FIR and whether all the victim/complainant as well as accused are party to the compromise in question.*

The petitioners shall deposit a cost of Rs.25,000/- (collectively) with the Spinal Rehab Centre, Chandigarh Plot No.1, Madhya Marg,

Sector 28-A, Chandigarh, 0172-4610311 on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaq Magistrate.

*Meanwhile, learned counsel for the petitioner as also the counsel for the State are directed to place on record the relevant medical opinion/record as to the nature and seat of injuries suffered by the injured in terms of the judgment passed in the case of ‘**Narinder Singh and others versus 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**’.*

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 petitioners further submits that no offence under Section 307 of IPC is made out against the petitioners. Petitioners have been attributed simple injury on the non-vital part of the complainant. Further the FIR (supra) has been quashed qua two co-accused namely Sunil Kumar and Sanjay Gaidar by the Co-ordinate Bench of this Court vide order dated 03.04.2024 passed in CRM-M-56493-2023 titled as ‘**Sunil Kumar and another Vs. State of Punjab and another**’. He further submits that the case of the petitioners is identical to the case of aforementioned co-accused and he prays for considering the present case on the basis of parity with the co-accused. *Prima facie*, no offence under Section 307 of the IPC is made out against the petitioners. In support of his contentions, he has placed reliance on the judgment passed by the Hon’ble Supreme Court of India in case of **The State of Madhya Pradesh vs. Laxmi Narayan and others, 2019 (5) SCC 688**.

5. 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.185 dated 14.09.2020 under Sections 307/326/353/186/341/324/323/506/120-B/148/149 of IPC, 1860 registered at Police Station Khuhi Khera, District Fazilka (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

07.01.2025
Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

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