

CRA-S-1568-SB-2004  
CRA-S-1738-SB-2004

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2025:PHHC:047670



104

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

**Date of decision: 07.04.2025**

**1. CRA-S-1568-SB-2004 (O&M)**

**Ram Kishan and others**

**...Appellants**

**Vs.**

**State of Haryana**

**...Respondent**

**2. CRA-S-1738-SB-2004 (O&M)**

**Prithvi Singh and others**

**...Appellants**

**Vs.**

**State of Haryana**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Gautam Kaile, Advocate and  
Ms. Poonam Saroya, Advocate  
for the appellants (in CRA-S-1568-SB-2004).

Mr. Arnav Sood, Advocate (*Amicus Curiae*),  
Mr. Pawan Attri, Advocate  
for the appellants (in CRA-S-1738-SB-2004).

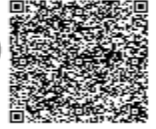


Ms. Geeta Sharma, DAG, Haryana.

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**HARPREET SINGH BRAR, J**

1. This common judgement shall dispose of both the aforementioned appeals, preferred against two separate judgments of conviction dated 16.07.2004 and the orders of sentence dated 17.07.2004 passed by learned Additional Sessions Judge (Adhoc), Fast Track Court, Kurukshetra, in FIR No.201 dated 08.07.1999, registered at Police Station Pehowa.
2. Both these appeals are arising out of identical factual matrix and it is a case of version and cross-version. The facts of the case are not in dispute.
3. After minutely scrutinizing the evidence led by the prosecution and the evidence produced in defence by the appellants, learned trial Court convicted the appellants, in CRA-S-1568-SB-2004 and sentenced them to undergo rigorous imprisonment for a period of two years with a fine of Rs.1,000/- each under Section 324 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC') along with default mechanism and also, the appellants, in CRA-S-1738-SB-2004, were convicted and sentenced to undergo rigorous imprisonment for a period of seven years with a fine of Rs.2,500/- each under Section 307 read with Section 34 of IPC along with default mechanism. Aggrieved by the same, the appellants have filed the present appeals.



4. Learned *Amicus Curiae* appearing for the appellants, in CRA-S-1738-SB-2004, *inter alia*, contends that *prima facie*, offence under Section 307 of IPC is not made out in the present case, as PW11 Dr. V.K. Dogra proved examination of injured Dharma and the opinion rendered by Dr. Rajan Kohli, who opined that injury No.1 suffered by injured Dharma could be dangerous to life. Further, the doctor, who rendered the opinion and conducted the examination of the injured, has not been examined by the prosecution. As such, the opinion given by the doctor is vague in nature, as the prosecution witness was not sure that injury No.1 on the person of Dharma could be dangerous to life or not. In the absence of a definite opinion, the injury, at the most, would be covered by Clause 8 of Section 320 of IPC, which is punishable under Section 326 of IPC. As such, conviction of the appellants under Section 307 of IPC is liable to be set aside on this score alone. Furthermore, it is a case of version and cross-version between real brothers, as there was a free fight and sudden quarrel took place. There is no pre-planning or pre-meditation of mind. It is further contended that learned trial Court has also not come to the conclusion, which party was the aggressor, as both the parties suffered injuries and they have been convicted accordingly.

5. Learned *Amicus Curiae* and learned counsel for the appellants, further submit that the appellants, in both the appeals, have suffered the pangs and agony of protracted trial since the last about 25 years. During pendency of the present appeals, with the intervention of respectables of the society, the parties



have decided to bury their hatchet and effected a compromise for the betterment and cordial relations amongst their respective families.

6. Thereafter, the Coordinate Bench of this Court, vide order dated 17.07.2023, directed the parties to appear before learned trial Court/Illaq Magistrate/Duty Magistrate concerned for recording their statements in terms of the compromise. Reports in this regard have been received, wherein the parties have made their respective statements in support of the compromise and stated that they have voluntarily arrived at a compromise.

7. On the other hand, learned State counsel argues that learned trial Court has passed well-reasoned judgments based on correct appreciation of evidence available on record and as such, no interference is warranted by this Court.

8. Having heard learned counsel for the parties and after perusing the record of the case, including the medical evidence, with their able assistance, this Court finds that *prima facie*, offence under Section 307 of IPC is not made out. As such, in terms of the judgment of the Hon'ble Apex Court in ***State of Madhya Pradesh Vs. Laxmi Narayan and others, (2019) 5 SCC 688***, wherein it has been opined that even though offence under Section 307 of IPC is a serious heinous offence and should be treated as a crime against society, it is open to the High Court to explore the facts and circumstances of the case, to be satisfied that the ingredients of Section 307 of IPC are made out. It was further held that there is no

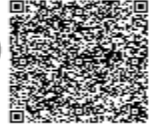


embargo for quashing of FIR along with all the subsequent proceedings arising therefrom on the basis of compromise.

9. Further, a two-Judge Bench of Hon'ble Supreme Court in ***Ramgopal and another Vs. State of Madhya Pradesh, 2021 (4) RCR (Criminal) 322***, speaking through Justice Surya Kant, has held that non-compoundable criminal cases of predominantly private nature can be quashed under Section 482 Cr.P.C. even if compromise is reached after conviction. The relevant parts of the said judgment are reproduced as under:-

*“19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences ‘compoundable’ within the statutory framework, the extra-ordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.*

*20. Having appraised the afore-stated para-meters and weighing upon the peculiar facts and circumstances of the two appeals before us, we are inclined to invoke powers under Article 142 and quash the*



*criminal proceedings and consequently set aside the conviction in both the appeals. We say so for the reasons that:*

***Firstly***, the occurrence(s) involved in these appeals can be categorized as purely personal or having overtones of criminal proceedings of private nature;

***Secondly***, the nature of injuries incurred, for which the Appellants have been convicted, do not appear to exhibit their mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest;

***Thirdly***, given the nature of the offence and injuries, it is immaterial that the trial against the Appellants had been concluded or their appeal(s) against conviction stand dismissed;

***Fourthly***, the parties on their own volition, without any coercion or compulsion, willingly and voluntarily have buried their differences and wish to accord a quietus to their dispute(s);

***Fifthly***, the occurrence(s) in both the cases took place way back in the years 2000 and 1995, respectively. There is nothing on record to evince that either before or after the purported compromise, any untoward incident transpired between the parties;

***Sixthly***, since the Appellants and the complainant(s) are residents of the same village(s) and/or work in close vicinity, the quashing of criminal proceedings will advance peace, harmony, and fellowship amongst the parties who have decided to forget and forgive any ill-will and have no vengeance against each other; and

***Seventhly***, the cause of administration of criminal justice system would remain un-effected on acceptance of the amicable settlement between the parties and/or resultant acquittal of the Appellants; more so looking at their present age.”



10. Furthermore, reliance is placed upon a judgment of the Hon'ble Supreme Court in *Naushey Ali Vs. State of Uttar Pradesh, 2025 AIR Supreme Court 1035*, speaking through Justice K.V. Viswanathan, has observed as under:

*“Coming back to Laxmi Narayan (supra), this Court has held that mere mention of Section 307 IPC in the FIR or the charge-sheet should not be the basis for adopting a hands-off approach. It has further held that it would be open for the court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or whether there is evidence to back it. It has been held that the courts may go by the nature of injuries sustained; as to whether the injuries are inflicted on the vital/ delicate parts of the body and the nature of weapon used. It has also been clarified that such an exercise would be permissible after investigation and filing of chargesheet/framing of charges or during the trial.”*

11. As such, in view of the deposition of PW11 Dr. V.K. Dogra, who proved examination of injured Dharma and the opinion rendered by Dr. Rajan Kohli, opining that injury No.1 suffered by injured Dharma could be dangerous to life, conviction of the appellants, in CRA-S-1738-SB-2004, under Section 307 of IPC is liable to be set aside.

12. In view of the above discussion, both these appeals are allowed. The judgments of conviction dated 16.07.2004 and the orders of sentence dated 17.07.2004 passed by learned Additional Sessions Judge (Adhoc), Fast Track Court, Kurukshetra are hereby set aside and the appellants, in both the cases, are



acquitted of the charges framed against them. Their bail/surety bonds stand discharged.

13. All the pending miscellaneous application(s), if any, shall also stand disposed of.

14. The case property, if any, may be dealt with as per Rules, after the expiry of period of limitation for filing the appeal(s). Record of the case be sent back to the Court below.

15. The High Court Legal Services Committee is directed to pay remuneration to learned *Amicus Curiae*, as per Rules/Orders.

16. Photocopy of this order be placed on the file of connected case.

**[ HARPREET SINGH BRAR ]**  
**JUDGE**

07.04.2025  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No