
(2019) 12 P&H CK 0138

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 36620 Of 2018

Nirmal Singh @ Happy And Others

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 17-12-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482

Indian Penal Code, 1860 — Section 148, 149, 307, 323, 324

Citation : (2019) 12 P&H CK 0138

Hon'ble Judges : Manoj Bajaj, J

Bench : Single Bench

Advocate : Sandeep Gahlawat, Vikas Arora, Kirat Singh Sidhu, Amandeep Kaur

Final Decision : Dismissed

Judgement

Manoj Bajaj, J

Petitioners have filed this petition under Section 482 Cr.P.C for quashing of FIR No.58 dated 28.04.2018 (Annexure P-1) registered under Sections 307, 323, 324 and 148 read with Section 149 of Indian Penal Code, 1860 at Police Station Beas, District Amritsar Rural on the basis of compromise dated 18.07.2018 (Annexure P-2).

The FIR was registered on the statement of Sunpreet Singh son Ranjodh Singh wherein it was alleged that an altercation took place between Navjot Singh and Javraj Singh. Thereafter, for mutual compromise, Navraj Singh took the complainant to the village Batala. On reaching Batala, when the talk of compromise was going on, Javraj Singh and Navjot Singh started quarrel again. In the meantime, Happy and two other unknown persons gave kirch blow to the complainant which hit in the stomach. Upon raising noise, all the accused persons ran away from the spot.

Learned counsel for the petitioners refers to Annexure P-2 to contend that the compromise has been arrived at between the parties with the intervention of the

respectables and the dispute has been amicably settled.

On the other hand, learned State counsel assisted by ASI Gurnam Singh has opposed the prayer on the ground that the offences committed are serious in nature and investigation is in progress, therefore, no case for quashing of the FIR is made out.

Learned counsel appearing on behalf of respondent No.2 also admits the factum of compromise and states that she has no objection in case prayer of the petitioner is accepted.

After hearing learned counsel for the parties, this Court finds that the solitary ground of compromise raised in the petition is not worth acceptance. At this stage, it will be useful to refer the decision in "The State of Madhya Pradesh Vs. Laxmi Narayan and others", 2019 AIR (SC) 1296, the Hon'ble Supreme Court has laid down the principles for quashing of the criminal proceedings in non-compoundable offences by exercising inherent powers under Section 482 Cr.P.C. The relevant portion of the judgment is extracted below:

"13. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

- i) 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;
- ii) 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;
- iii) 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;
- iv) 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."

Adverting to the facts of the present case, it is evident that the FIR in the instant case has been registered under Section 307 IPC. The allegations against the petitioners are that they were armed with weapons and caused injuries to the complainant and others. The prayer in the petition for quashing of FIR is only on the ground of compromise and no other ground is raised by learned counsel for the petitioners.

In view of the above, no ground is made out for quashing of the present FIR. Petition is dismissed.