

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

CRM M-22993 of 2015

Date of decision : 05.12.2015

Harwinder Singh @ Harvinder Singh

....Petitioner

V/s

State of Punjab & ors.

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Mohit Sadana, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

Mr. Amish Garg, Advocate for respondent no. 2.

RAJAN GUPTA J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No. 30 dated 30.05.2015 registered under Sections 307, 148, 149 IPC and section 25/27/54/59 of the Arms Act at Police Station Mulepur, District Fatehgarh Sahib and the subsequent proceedings arising therefrom.

Learned counsel for the petitioners submits that no injury has been caused in the incident. According to him, offence under section 307 IPC is personal in nature. In view of amicable settlement arrived at between the parties at the initial stage, FIR deserves to be quashed. He has relied upon judgment of the Apex court reported as *Narinder Singh & ors. vs. State of Punjab & ors.* 2014(2) RCR (Criminal) 482.

Learned State counsel submits that from the allegations leveled in the FIR, no case is made out for quashing of FIR on the basis of compromise. According to him, petitioner fired a shot at

the complainant which hit on the right side of his neck. According to him, offence being non-compoundable in nature, petition deserves to be rejected.

I have heard learned counsel for the parties.

It appears that on July 17, 2015, a coordinate bench had directed the court below to record statements of the parties regarding validity or otherwise of the compromise. A report has been received that compromise is voluntarily in nature. In my considered view, facts of the case need to be taken note of. FIR was lodged by respondent no. 2 who stated that on 30.05.2015 at about 1.50 p.m., he was on his way to his village in an Ambassador car bearing registration no. PB-19E-1008. On the way he was accosted by two youngsters riding a motorcycle. At this time, Harwinder Singh (petitioner herein) who was driving a white swift car came on the spot and fired a shot at respondent no. 2 which hit him on right side of the neck. Thereafter, all the accused starting firing at his car and the vehicle rammed into the trees. All the accused persons fled from the scene of occurrence. After registration of case, investigation ensued. During hearing of the case on October 28, 2015, learned State counsel had apprised the court that investigation in the case was still pending and same would be completed at the earliest. In my considered view, no case for quashing of the FIR on the basis of compromise is made out. The contention that no injury has been caused in the incident has no merit. Intention of the accused has to be seen in view of ingredients of offence under section 307 IPC. Besides, it appears that petitioner invoked the jurisdiction of this court for quashing of FIR at the stage of investigation. Judgment in *Narinder Singh's*

case (supra) cannot help the petitioner in the facts and circumstances of instant case. Petition is, thus, without any merit and is hereby dismissed.

December 05, 2015

Ajay

(RAJAN GUPTA)
JUDGE