

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-26168 of 2017

Date of Decision: 08.11.2017

Vinod and Others

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. J.P.Sharma, Advocate
for the petitioner(s).

Mr. Satish Saini, Deputy Advocate General,
Haryana for respondent No.1.

Mr. Yogesh Saini, Advocate
for respondents No.2 to 4.

Shekher Dhawan, J.

Present petition under Section 482 Cr.P.C. for seeking quashing of FIR No. 216 dated 16.5.2017, registered under Section(s) 323, 341, 34 & 506 IPC (Section 307 IPC was added lateron) at Police Station Dadri Sadar, District Bhiwani on the basis of compromise dated 7.7.2017 (Annexure P2).

Learned counsel for the petitioners as well as respondents No. 2 to 4 submitted that the matter has been compromised between the parties and FIR, as such, be quashed.

As the FIR under challenge includes offence under Section 307 IPC, this Court would certainly like to look into some material facts of the case i.e. nature of offence, weapon used for commission of offence and

nature of injuries. As per first information report, complainant Sher Singh (respondent No.2) reported the matter to the police on 15.5.2017 that at about 6.00 p.m. he was present at his home and his son made a call to him on mobile phone that petitioners Vinod son of Krishan and his son Roni had restrained his passage of near Government school. On this, complainant (respondent No.2) reached at the spot and found that Vinod son of Krishan, his wife Kiran and sons Roni and Ankit, present petitioners, were giving beatings to his son. Respondent No.2 tried to save his son and on this, petitioner No.1 inflicted *jelly* blow on his head and he fell unconscious. He regained his consciousness in PGIMS, Rohtak. The complainant came to know that his wife and son had also sustained injuries in the incident.

As are the facts of the case, Section 307 IPC has been added on the basis of medical opinion and seat of injury is on the head and weapon used for commission of offence is *jelly* (sharp edged weapon), which certainly is a dangerous weapon.

Similar matter was before Hon'ble the Apex Court in ***State of Madhya Pradesh v. Deepak and Others 2014(5) Recent Apex Judgments 263***, wherein the ambit and scope of Section 482 Cr.P.C. and quashing of FIR on the basis of compromise was dealt with, and it was observed as under:-

“29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. 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 proving 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. Medical report in respect of injuries suffered by the victim can generally be the guiding factor”.

Identical view was taken by the Hon'ble Apex Court in ***Narinder Singh and Others v. State of Punjab and Another 2014(2) Recent Apex Judgments 621*** and guidelines were laid down for quashing of the FIR on the basis of compromise in such like matters.

Applying the same ratio of law to the present set of facts, the FIR to be quashed is of the offences which includes Section 307 IPC as well; it is a heinous and serious offence and is to be treated as a crime against the society and not against the individual one. The nature of injury sustained by the complainant is head injury with *jelly* blow and Section 307 IPC has been added on the basis of medical opinion.

The Hon'ble Supreme Court, in case ***State of Madhya Pradesh v. Deepak and others (supra)***, has further observed as under:

“14. When we apply the ratio/principle laid down in the said case to the facts of the present case, we find that the injuries inflicted on the complainant were very serious in nature. The

accused was armed with sword and had inflicted blows on the forehead, ear, back side of the head as well as on the left arm of the complainant”.

Quite identical are the facts of the case in hand and in the present case also, no case is made out for quashing of the FIR on the basis of compromise as the offence committed cannot be treated which is a private dispute between the parties but the same is a crime against the society. The injury inflicted on the complainant was very serious in nature. The accused was armed with *jelly* and inflicted blow on the head of the complainant.

In view of above discussion, present petition stands dismissed.

(Shekher Dhawan)
Judge

November 08, 2017
“DK”

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