

CRM-M-1228-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1228-2018

Date of Decision: 25.01.2018

Yoda Singh and others

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. R.K. Bajaj, Advocate,
for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, quashing of FIR No. 83 dated 05.05.2017 is sought, registered against the petitioners at Police Station Division No. 7, District Jalandhar, for the alleged commission of offences punishable under Sections 307, 323, 324, 379, 148 and 149 IPC, on the basis of a compromise arrived at between the petitioners (accused) and respondent no. 2, i.e. the complainant.

Learned counsel for the petitioners has relied upon what is stated in paragraphs 29 and 31 (VII), as also paragraph 35 of the judgment of the Supreme Court in Narinder Singh and others vs. State of Punjab and another (Law Finder Edition)-Law Finder Doc ID # 540604), to submit that since as yet a charge is still to be framed against the petitioners for the offences alleged to have been committed by them, punishable under Sections 307/323/324/379/148/149 IPC, this Court would exercise its jurisdiction to quash the FIR on the basis of the compromise reached between the petitioners and the complainant, i.e. the injured person, Daljit Singh (respondent no. 2 in the petition).

Undoubtedly, in paragraph 35 of the judgment of the Supreme Court, it has been stated that the terms of the compromise reached, would be an important factor in determining whether the FIR sought to be quashed should be quashed or not, including whether the parties are likely to live in peace and harmony, thereafter.

A perusal of the compromise deed, Annexure P-2, shows that the petitioners as also respondent no. 2 are working together at the Bus Stand at Jalandhar and a sudden fight is stated to have occurred on 04.05.2017 and the dispute has been settled with the parties, stating that they will live together and also work peacefully in future.

Even so, in the opinion of this Court, looking at the number of injuries inflicted on the complainant with sharp edged as also blunt weapons, such injuries being actually 23, of which 12 are seen to be incised wounds (04 incised wounds having been shown as a single injury on the forearm), all attributable to the petitioners, who are alleged to have attacked a lone man with swords and *datars* etc., they being 08 in number, I see no reason to quash the FIR in question, in terms of what has been observed by the Supreme Court in **Narinder Singhs'** case (supra).

In sub para VI of the directions issued in **Narinder Singhs'** case (supra), it has been observed to the effect that it would not be simply the incorporation of an offence punishable under Section 307 IPC that would determine whether an FIR is to be quashed or not by a High Court, but also with regard to the injuries on the person of the victim, the parts of the body injured, “nature of weapons etc.”, which would be guiding factors to determine as to whether the prayer for quashing an FIR is to be allowed or not.

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In the opinion of this Court, therefore, in the present case, with the number of injuries and the kind of injuries inflicted by the petitioners, with the weapons aforesaid, it would amount to only sending a signal that such kind of criminal behaviour in a civilized society can be overlooked simply upon a compromise having been entered into with the complainant.

In such a situation, in fact there would also be a doubt lurking in the mind of Court as to whether so many accused have actually not pressurized a single victim to even state that he has entered into a compromise of his own free will.

Whether or not the complainant testifies against the petitioners, and what finding the trial Court would eventually come to in the light of the evidence led before it, are issues that do not require any comment from this Court; however, seeing the number of injuries shown to be inflicted on a single person, with sharp edged and blunt weapons, in the opinion of this Court, this is not a case where the FIR should be quashed, even on the basis of a compromise said to have been reached between the eight accused and the single victim.

Hence, finding no merit in the petition it is dismissed.

January 25, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes