

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

**Criminal Misc. No.M-35367 of 2018 (O&M)
Date of Decision: September 05, 2018**

Harshil and others

.....PETITIONER(s).

VERSUS

State of Haryana and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vivek Aggarwal, Advocate
for the petitioner (s).

Mr. Som Dutt Sharma, Advocate
for respondents No.2 and 3.

SURINDER GUPTA, J.

Petitioners have filed this petition under Section 482 Code of Criminal Procedure for quashing of FIR No.178 dated 26.05.2018 (Annexure P-1) registered for the offences punishable under Sections 148, 307, 323, 506 read with Section 149 of Indian Penal Code and 25 of Arms Act, 1959, at Police Station Madhuban, Karnal on the basis of compromise dated 20.07.2018 (Annexure P-5).

Present FIR was registered on complaint of Ashish Sharma, who was working as Toll Collector at Toll Tax Barrier Bastara. The allegations as contained in FIR placed on paper-book as Annexure P-1 are reproduced as follows:-

“That today on 26.05.2018, my shift was from 12:00 AM
till 8.00 AM and I was assigned duty at Alpha line No.32

leading from Panipat towards Karnal. That on 26.05.2018 at about 12.:45 AM, one car of make Swift D'zire bearing registration No.HR-51K-0019 being ridden by five boys, came from the direction of Panipat and stopped at the toll tax. That a truck was standing in the line before that car. All the five boys got down from the car and asked me that let our vehicle pass first we are in hurry at which all of them started quarrelling, who were addressing each other as Parth, Simranjeet, Harishpal, Ankit and Nishank, one Sardar boy (was) also among them who started arguing that we are in hurry and let us pass first. And on this issue, they started abusing me and held my collar and started quarrelling. At once, I went to the cashroom and after informing my seniors, I had called the police at the spot. That after about 10-15 minutes those boys again come at the spot and told me that now we will teach you a lesson as with them a new boy had come on his car of make Swift D'zire bearing registration No.HR-06-AF-5566, who was being addressed by all the accused as Pankaj son of Om Parkash Wadhwa resident of Gharaunda, who asked me that you have quarrelled with my friends for which I will teach you a lesson and then he took a pistol from his pocket and told me that I have kept pistol to teach lesson to guys like you and he fired at me with intention to kill me which bullet pierced through the upper part of my left leg and hit on the left calf of my accomplice Ramphal son of Shile Singh. He will himself depose about his injuries. Pankaj pressed the trigger of the pistol to fire upon me once again at which it got missed. I raised noise of Bachao Bachao, then many employees of our toll plaza came there. After that toll employee Ravi Rana got me and my accomplice Ramphal admitted in KCGHCH, Karnal for treatment. That Pankaj son of Om Parkash

Wadhwa resident of Gharaunda, Parth son of Jawahar Lal, Caste Goyal, resident of House NO.809 Sec-12, Professor Colony, Kurukshetra, Simranjeet Singh son of Nirmaljeet Singh caste Jatt Sikh, resident of village Anta (Safidon), Harishpal son of Suresh Kumar resident of Krishana Colony, Tohana, Ankit Khokar son of Rajkumar, resident of Mehmudpur, P.S. Kunjpura and Nishank Indal s/o Jairam, caste Ramdasiya, resident of Sector 7, Kurukshetra have fired upon me and Ramphal with an intention to kill us against whom legal action be taken.”

Admittedly, both the private respondents have suffered fire-arm injuries.

Learned counsel for the petitioners submits that now the matter has been compromised with respondents No.2 and 3 vide copy of agreement/settlement placed on file as Annexure P-2. While referring to the observations of Hon'ble Apex Court in ***Narinder Singh and others Vs. State of Punjab and another 2014 (6) SCC 466***, learned counsel for the petitioners argues that matter is still at initial stage of investigation, as such, permission to compromise be granted.

Hon'ble Apex Court in case of ***Narinder Singh and others Vs. State of Punjab and another (supra)***, has observed that the power to quash the FIR should not be exercised in cases relating to heinous and serious offence, which has serious impact on the society. It was also observed that offence punishable under Section 307 IPC falls under heinous crime and is a crime against society and not against an individual.

Occurrence in this case has taken place at a Toll Barrier, which

is a State property. Licence to operate and manage the Toll Barrier to a

private person/company has been given by the State. Occurrence at Toll Barrier has disturbed the operation and management of traffic. It is an offence against the operator of the Toll Barrier and not merely against the persons/employees, who were performing their duties at the Toll Barrier. Respondents No.2 and 3 though have received injuries, but are not competent to compromise the matter with the petitioners. The matter, if at all, can be settled by the petitioners with the State or the individual/company, which is managing the Toll Barrier in question. Such type of offence have serious impact on society and are also against the State. The quashing of impugned FIR, in such circumstances, on the basis of compromise, cannot be allowed. This petition has no merits.

Dismissed.

September 05, 2018

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No