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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38738-2018 (O&M)

Date of Decision : April 30, 2019

Ranjit Singh and another Petitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present :- Mr. Onkar Rai, Advocate,
for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
for respondent-State .

Mr. Abhinav, Advocate
for respondent No.2.

SHEKHER DHAWAN, J.

This is a petition under Section 482 of the Code of Criminal Procedure for quashing FIR No. 59 dated 28.3.2017, under Sections 323, 308, 120-B, 148 read with Section 149 IPC, registered at Police Station Phillaur, District Jalandhar (Annexure P/1) on the basis of compromise deed dated 18.08.2018 (Annexure P/2).

2. Notice of the petition was given to the respondents and meanwhile report has been received from learned trial Judge.

3. Learned counsel for the petitioners contended that the present FIR is liable to be quashed as parties have amicably settled the matter.

4. Learned State counsel opposed the petition for quashing of FIR on the ground that the alleged offence against the petitioner are *inter alia* under Section 308 IPC as well and it is a case where the injured was

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caused nine injuries and taking into consideration the nature of the offence, the permission to compound the offence should not be granted.

5. Having considered the submissions made by learned counsel for the parties and perusal of the record of this case, this Court is of the considered view that the petitioners are accused persons and at the time of occurrence, petitioner – Satnam Singh was armed with handle of hand-pump and had caused injuries on different part of body of complainant Nirmal Singh. He was accompanied by three un-known persons who were armed with baseball, wood-handle of spade and *dang* and caused injuries to the complainant with the intention to kill him.

6. Similar matter was before Hon`ble Apex Court in **The State of Madhya Pradesh Vs. Laxmi Narayan and others, Criminal Appeal No. 349 of 2019 decided on 5.03.2019** where Hon`ble Larger Bench of Apex Court observed as under:-

“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). (iii). Xx xxx

iv) offences under Section 307 Indian Penal Code 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 Indian Penal Code 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

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because there is a mention of Section 307 Indian Penal Code 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 Indian Penal Code 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 Indian Penal Code. 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.”

7. As in this case, offence allegedly against the accused-persons are *inter alia* under Section 308 IPC as well and complainant had sustained injuries on different parts of his body, there is no ground for quashing of FIR on the basis of compromise.

8. Resultantly, the present petition is without any merit and the same stands dismissed.

(SHEKHER DHAWAN)
JUDGE

April 30, 2019
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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes