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

**CRM-M-47431-2018
Date of decision-27.11.2019**

Paramjit Singh @ Kala

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ish Puneet Singh, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Akashdeep Miglani, Advocate for respondent No.2.

MANOJ BAJAJ, J. (Oral)

Petitioner-Paramjit Singh @ Kala has filed this petition under Section 482 Cr.P.C for quashing of FIR No.141 dated 14.07.2016 (Annexure P-1) registered under Section 307 of Indian Penal Code, 1860 and Section 27 of Arms Act, 1959 at Police Station Shimlapuri, Ludhiana, Punjab on the basis of compromise dated 01.08.2017 (Annexure P-2).

The FIR was registered on the statement of Naresh Kumar, wherein it was alleged that on 14.07.2016, complainant being agent in U.P Money Finances Ltd. Feroze Gandhi Market, along with his friend, had gone to collect money from the house of Gagandeep at Jujhar Nagar Street No.2. When they reached in the street, there was crowd outside the house of the Gurmeet Kaur (wife of petitioner). In the meantime, someone threw brick outside the house. Thereafter, Paramjit Singh @ Kala (petitioner) came

out of the house and fired a gunshot from his double barrell gun (dunali) which hit the complainant on his right arm, chest and left arm. On these broad allegations, FIR was registered.

Learned counsel for the petitioner refers to Annexure P-2 to contend that the compromise has been arrived at between the parties with the intervention of the respectables and the dispute has been amicably settled. Earlier also, the parties were engaged in litigation and it has now been decided to end all the cases going on against them.

On the other hand, learned State counsel has opposed the prayer on the ground that the offences committed are serious in nature and investigation is in progress, therefore, no case for quashing of the FIR is made out.

Learned counsel appearing on behalf of respondent No.2 also admits the factum of compromise and states that he has no objection in case prayer of the petitioner is accepted.

After hearing learned counsel for the parties, this Court finds that the solitary ground of compromise raised in the petition is not worth acceptance. At this stage, it will be useful to refer the decision in “**The State of Madhya Pradesh Vs. Laxmi Narayan and others**”, 2019 AIR (SC) 1296, the Hon'ble Supreme Court has laid down the principles for quashing of the criminal proceedings in non-compoundable offences by exercising inherent powers under Section 482 Cr.P.C. The relevant portion of the judgment is extracted below:

“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) that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

ii) such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

iii) similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

iv) offences under Section 307 IPC 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 IPC 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 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 framing 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. 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.”

Adverting to the facts of the present case, it is evident that the FIR in the instant case has been registered under Section 307 IPC and Section 27 of Arms Act. The allegations against the petitioner are that he fired a gun shot from the double barrell gun, resulting into pallet injuries upon the right arm, chest and left arm of the complainant. It is admitted case of the parties that they have been engaged in civil and criminal litigation earlier also.

In view of the above, no ground is made out for quashing of the present FIR.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

27.11.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No