

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

Date of decision-09.11.2020

1. CRM-M-26446-2020

Mandeep Singh and others	...Petitioners
Vs.	
State of Punjab and another	...Respondents

2. CRM-M-12221-2020 (O&M)

Parminder Singh and others	...Petitioners
Vs.	
State of Punjab and others	...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Harbhajan Singh, Advocate
for the petitioners in CRM-M-26446-2020
for respondent No.2 in CRM-M-12221-2020.

None for the petitioners in CRM-M-12221-2020.

Mr. Luvinder Sofat, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioners are accused in cross cases registered through FIR No. 0115 dated 30.04.2018, under Sections 323, 341, 427, 379-B, 307, 336 and 148 read with Section 149 Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act, 1959 at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana and DDR No. 26 dated 01.05.2018 registered under Sections 323, 341, 307, 336, 148, 149 IPC 1860 and Sections 25/27 Arms Act, 1959, respectively, who have filed their separate petitions under Section 482 Cr.P.C. for quashing of abovesaid FIR and DDR on the basis of compromise between the parties.

The FIR was registered on the statement of Parminder Singh son Jarnail Singh wherein it was alleged that on 29.04.2018, complainant

alongwith Parminder Singh (son of Mohan Singh) and Gurmeet Singh were going to their village in vehicle (Endeavor) bearing No.PB-10-CM-0013. When they reached near school of Lalton Khurd, then one another vehicle (Endeavor) bearing No.PJP-19 came from back side in which Mandeep Singh, Davinder Singh, Amna, Goldy Pandat and 5-6 other persons were sitting. Mandeep Singh was driving the vehicle and raised lalkara by showing his .32 bore revolver. They hit the complainant vehicle due to which they got stuck. Thereafter, Davinder Singh and Parupkar Singh gave dang blow to the complainant, which hit his right leg and arm. They gave beatings to the companions of complainant also. They tried to destroy their vehicle by hitting with rod. In the meantime, Mandeep Singh fired shot which hit the complainant's left leg. He fired many other shots upon which number of persons gathered at the spot. When noise was raised by the victims, all assailants ran away from the spot.

The cross version was recorded on the statement given by Mandeep Singh, wherein he levelled allegations against petitioner Parminder Singh @ Kala and others, who had stopped the vehicle of the complainant and when the occupants came out of the vehicle, he started firing with his revolver and one of the shots hit the right thigh. According to the complainant, many other rounds were fired by Parminder Singh.

Learned counsel for the petitioners has invited the attention of the Court to the compromise dated 01.02.2020 between the parties and argued that since the dispute has been amicably settled, therefore, no useful purpose would be served by continuing the prosecution in the above cross cases. He has placed reliance upon the judgment of this Court delivered in

Kulvinder Singh & others Versus State of Punjab & others, reported as

2007(2) RCR (Criminal) 1052. He contends that the above-mentioned cross-cases be quashed in the interest of justice.

On the other hand, learned State counsel assisted by ASI Harmesh Singh has vehemently opposed the prayer on the ground that the petitioners have neither associated themselves with the investigation nor they have applied for grant of bail. He submits that the offences are serious in nature and therefore, the petitions deserve to be dismissed.

After hearing learned counsel for the parties, this Court finds that the solitary ground of compromise raised in the petition is not worth acceptance in view of the decision of the Hon'ble Supreme Court delivered in **"The State of Madhya Pradesh Vs. Laxmi Narayan and others"**, 2019 AIR (SC) 1296. 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 these cases, it is evident that the cross-cases were registered against both the sides for various offences, which include the offences punishable under Section 307 IPC and Arms Act. As per allegations, both sides have suffered gun shots injuries and, therefore, considering the nature of allegations and the weapons used in the crime, this Court does not find it to be a fit case for accepting the alleged compromise between the parties.

Resultantly, no case is made out for exercise of inherent powers under Section 482 Cr.P.C. Both the petitions are dismissed.

(MANOJ BAJAJ)
JUDGE

09.11.2020
vanita/ramesh

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