

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

CRM-M-263-2021 (O&M)
Date of decision: 16.03.2021

Sandeep Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. S.S. Bhinder, Advocate for the petitioner.

H.S. MADAAN, J.

Petitioner Sandeep Singh has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No.47 dated 10.07.2020, for an offence under Section 307 IPC and Section 27 of the Arms Act and DDR No.14 dated 28.10.2020, for an offence under Section 336 IPC, registered at Police Station Kotfatta, District Bathinda, against him, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant-Gurtej Singh, arrayed as respondent No.2.

Notice of motion.

Mr. J.S. Ghuman, DAG, Punjab, accepts notice on behalf of the respondent-State and Mr. N.S. Mahal, Advocate has appeared on behalf of the respondent No.2 by filing vakalatnama, which be taken on record.

I have heard learned counsel for the parties besides going

through the record.

The FIR in this case was lodged by complainant Gurtej Singh son of Buggar Singh, R/o Kot Bhara, aged about 46 years, who in the statement got recorded by him with the police stated that he is an agriculturist by avocation and owns 16 killas of land; he has got a son by name of Sandeep Singh, aged about 26 years and a daughter, namely Jashandeep Kaur, aged about 17 years; Sandeep Singh is married with Rajpreet Kaur daughter of Jasbit Singh of Village Naruana and the couple is residing in a separate portion of the house for about one year; the complainant was ready to give share in the land to the extent of 1/3rd to his son but Sandeep Singh used to demand half share; on that day i.e. 10.07.2020 at about 7/7.30 AM in the morning, while complainant, his wife Amritpal Kaur and daughter Jashandeep Kaur were sitting in their room, then Sandeep Singh came there and asked the complainant to transfer half of the agriculture land in his name; the complainant stated that he was willing to give him 1/3rd share in the land; hearing that Sandeep Singh got angry and brought his licensed revolver from his room and fired a shot in the air; the complainant, his wife and daughter bolted the door from inside, then Sandeep Singh fired three shots on them with intention to kill them; the complainant, his wife and daughter laid flat on the ground and two shots hit the front wall after breaking glass and jalli of the window, whereas, one shot hit the grill and another shot after breaking the jalli of the wooden door and passing through the wooden door hit the wooden boxes of the beds; on alarm being raised by the

complainant, his wife and daughter, Sandeep Singh went away along with his pistol; after some time when the neighbourers came, the complainant, his wife and daughter opened the door and came out; in the written complaint, the complainant had specifically stated that Sandeep Singh had fired three shots upon them with intention to kill them; on the basis of written complaint; formal FIR was recorded; the investigation in the case started.

The matter between the parties is said to have been compromised and the instant petition has been filed for quashing of FIR and DDR on the basis thereof. Though, the complainant has admitted the matter having been compromised between the parties on account of close relations, pleading no objection, if the petition is accepted but I find that the facts and circumstances of the case do not warrant the acceptance of the petition. Offence U/s 307 IPC is non-compoundable, so is offence U/s 27 of the Arms Act. Though in the written compromise, it is mentioned that on 10.07.2020, a scuffle took place between the first and second party and some shots were fired in air by the accused from his licensed pistol but these contentions appear to be wrong on the face of it, since if it was so, how could the shots hit the front wall after breaking the glass and jalli of the window and another shot hit the grill and one more shot hit the wooden boxes of the beds after passing through the wooden door and jalli of the wooden door. In the FIR itself, it is categorically mentioned that the accused had fired at the complainant, his wife and daughter with intention to kill them and it was only for the reason that

they had escaped. Thus, intention to kill comes out to be there. By way of recording DDR No.14 dated 28.10.2020, very unconvincing reasons have been given for coming to the conclusion that offence U/s 307 IPC is not made out. Superintendent of Police (Investigation) has come to the conclusion that since no solid medical evidence has cropped up, therefore, no offence U/s 307 IPC is made out. Possibly, he is not aware of the fact that causing of actual injury is not necessary to make out an offence U/s 307 IPC and intention of the culprit is to be seen. He has simply come to the conclusion that the shots were fired in the air, when as discussed above, it had hit various articles. Furthermore, allowing the parties to effect compromise would only embolden the accused to indulge in such type of activities again and deterrence of law will loose its effect, since he may feel that after committing a crime, he may exploit sentiments of his parents and sister with regard to their relations with them and persuade them not to pursue the matter with regard to commission of crime by him. The fact cannot be lost sight that the complainant, his wife and daughter had a miraculous escape. The accused does not deserve any sympathy under the circumstances of the case. Furthermore, offence U/s 27 of the Arms Act cannot possibly be compounded by the parties of their own in such a manner. This Court is not to put seal of approval on the parties compromising a matter with regard to commission of heinous crime, keeping its eyes closed.

Learned counsel for the petitioner has referred to various judgments i.e. **Gurdip Singh Vs. Rinku Vs. State of Punjab & Anr.,**

2008(13) RCR (Criminal) 96, Balwinder Singh @ Baljinder Singh @ Binder Vs. State of Punjab & Ors., 2019(2) Law Herald 1681, Jaspreet Singh @ Jassu & Anr. Vs. State of Punjab & Anr., 2013(4) RCR (Criminal) 239 and Janak Raj & Ors. Vs. State of Punjab & Anr., 2019(2) Law Herald 1678. I find that these judgments are not helpful to the petitioner. Keeping in view the totality of circumstances, I do not find it a fit case to exercise powers U/s 482 Cr.P.C. and to quash the FIR, DDR and ancillary proceedings.

Finding no merit in the instant petition, the same stands dismissed.

16.03.2021

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**(H.S. MADAAN)
JUDGE**

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