

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

CRM-M No.2984 of 2021

Date of Decision: November 11, 2021

Gurtej Singh @ Cheena and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Judgepreet Singh Warring, Advocate for the petitioners.

Mr. Manreet Singh Nagra, AAG, Punjab.

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

By this petition, the petitioners seek quashing on the basis of a compromise (copy Annexure P-3), arrived at between the petitioners and respondents no.2 to 4, of FIR No.0013, dated 12.02.2020, registered at Police Station Nandgarh, District Bathinda, alleging therein the commission of offences punishable under Sections 324, 323, 148 and 149 of the IPC (with Sections 307 and 326 of IPC added later on), as also all other subsequent proceedings arising therefrom.

On 12.03.2021, the following order was passed by this Court:

“ The short affidavit filed on behalf of the respondent-State, dated 22.2.2021 is ordered to be taken on record.

Learned State counsel today, also relies upon a judgment of the supreme court in State of Madhya Pradesh vs Laxmi Narayan.

and others, 2019(2) RCR (Crl.) 255, in addition to the judgment already cited in the order dated 22.1.2021, i.e. Narinder Singh and others vs. State of Punjab and others, 2014(2) RCR (Crl.) 482.

Learned counsel for the petitioners seek time to address arguments in terms thereof.

On his request, adjourned to 10.5.2021.”

Thereafter counsel for the petitioners did not appear on 27.08.2021, with counsel for the State having sought an adjournment on the next date of hearing. Thereafter on 29.10.2021, again, with none appearing for the petitioners at that time, (though it was past 4.00 p.m. by the time turn of case came up for hearing), hearing of the matter was adjourned till today, with the learned counsel of the petitioners again requesting for an adjournment to comply with the order dated 12.03.2021, which was passed eight months ago.

He submits that the petitioners and the complainant being neighbours, and the matter having been amicably compromised between the parties, there would be no reason to not quash the FIR in question.

However, it is obviously to be observed by this Court in terms of the aforesaid judgments, that it has been held that where the commission of an offence punishable under the provisions of Section 307 of IPC is alleged, it is not just an offence against a specific person but against society at large and consequently, when such an allegation is made, the Court should not quash the FIR simply because the parties between themselves have compromised the matter, though this Court exercising its jurisdiction under Section 482 of Cr.P.C., would go into the circumstances to determine as to

whether the allegation of the commission of such an offence would actually be made out, or it was simply being stated in the FIR to make the offence look more grievous than actually it is.

Along with the reply filed by the DSP (Rural), District Bathinda, the medical report of the various persons injured have been given. As regards one Navdeep Sharma, 11 injuries are shown to have been received by him, with injuries no.4 and 5 shown to be collectively dangerous to life and the first 3 injuries shown to be grievous in nature but with the others being simple in nature.

As regards Amandeep Sharma, i.e. the complainant, 3 injuries are shown to have been received by him, 2 with a sharp edged weapon and one with a blunt weapon.

As regards one Ranjit Devi, she is shown to have received one injury with a sharp edged weapon, muscle deep, on her right hand.

A perusal of the FIR shows that, as per the case of the complainant, petitioner no.4 had continuously attacked him with a *kirpan*, with blows hitting him in the middle of his head, with one Kalli Singh (not a petitioner) also having inflicted a blow on his arm with a *kappa*.

The first petitioner, i.e. Gurtej Singh @ Cheena, is also alleged to have given a *gandasa* blow on his right thigh, with Jagtar Singh having allegedly hitting him with a stick.

Learned counsel for the petitioners submits that as a matter of fact, there is a cross version to the aforesaid FIR also registered and therefore it cannot be said that the petitioners alone are guilty of the

commission of any of the offences if at all.

Having considered the matter, looking at the fact that even as regards the injuries on the person of Navdeep Singh, there were 11 injuries shown to have been received by him, with the doctor having declared 2 of them collectively dangerous to life, and 3 of them to be grievous injuries, in my opinion this is not a case where the FIR can be quashed on the basis of any compromise arrived at between the parties, the behaviour and the conduct of the petitioners having been highly reprehensible and uncivilized to say the least.

Consequently, this petition is dismissed.

However, naturally, as regards the investigation and the trial, they would proceed wholly on the basis of evidence gathered and led, with all observations made hereinabove being only in the context of this petition by which the FIR is sought to be quashed on the basis of a compromise arrived at between the parties.

The investigating agency would naturally proceed with the investigation with haste and with all fairness, as would be expected.

November 11, 2021

sarita

(AMOL RATTAN SINGH)

JUDGE

Whether reasoned/speaking: Yes

Whether reportable: Yes