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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32831-2021 (O&M)
Date of decision-16.08.2021

Kulwant Singh

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Pooja Chhabra, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 482 Cr.P.C for quashing of FIR No.211 dated 04.05.2020 (Annexure P-1) registered under Sections 323, 506 IPC, 1860 and under Section 307 IPC, 1860 (added later on) at Police Station Rania, District Sirsa and subsequent proceedings arising therefrom on the basis of compromise/affidavit (Annexures P-4).

The above FIR was registered on the statement given by Manpreet Kaur wife of Kulwant Singh, which reads as under:-

“Statement of Manpreet Kaur W/o Kulwant Singh, caste Kamboj Sikh, resident of Abholi, at present Sacha Sauda Mohalla, Rania, aged 40 years, Mob-8708148041, it is stated that I am resident of above mentioned address and am a household lady. I have two children. Eldest is Anmol Preet Singh and younger to him is Ashpreet Singh and my husband Kulwant Singh S/o Kartar Singh, resident of Abholi is a drug addict and I was married about 19/20 years ago and we live on rent in the house of Raju Chhabra in Rania. On 30.04.2020 at about 12.00 PM in the day, we all were present at our home, then my husband Kulwant demanded money from me, then I refused him to give money, then suddenly at the same time my

brother Partap Singh S/o Pritam Singh, resident of Dhani Partap Nagar Ellenabad came and my brother brought Rupees Ten Thousands and gave it to me, they my husband Kulwant seen it and Rs.10,000/- while your brother Partap has given, give that money to me, then after giving money my brother went to the toilet, then on his back on not giving money my husband immediately became aggressive and an iron wiper lying near, which we have got made specially, immediately lifted the same and hit on my head and threatened me that I will kill you and you are to be finished. Then my brother came out of the toilet, then on seeing him my husband ran away from the spot by carrying the wiper and while leaving said that today you saved, in future I will kill you and then I became unconscious, then I came to know that my brother Partap Singh arranged a vehicle and got me admitted in City Health Care Centre, Sirsa for treatment. Now my treatment is going on here in City Health Care Centre Sirsa. My husband Kulwant Singh S/o Kartar Singh, caste Kamboj, resident of Abholi has done wrong by causing injury to me without any reason. Legal action should be taken against my husband and I am apprehending danger to the children at the hands of my husband. Statement got recorded, heard and understood, which is correct.”

Learned counsel for the petitioner refers to affidavit (Annexure P-4) 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. According to him, the prosecution of the petitioner would be a futile exercise and prays for quashing of FIR.

On the other hand, learned State counsel has opposed the prayer on the ground that the offences committed are serious in nature. According to him, in such type of heinous crimes, compromise is meaningless and prays for dismissal of the petition. He submits that challan stands presented however, charges are yet to be framed.

After hearing learned counsel for the petitioner, 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:

*“However, the High Court has not at all considered the fact that the offences alleged were non-compoundable offences as per Section 320 of the Cr.P.C., 1973 from the impugned judgment and order, it appears that the High Court has not at all considered the relevant facts and circumstances of the case, more particularly the seriousness of the offences and its social impact. From the impugned judgment and order passed by the High Court, it appears that the High Court has mechanically quashed the FIR, in exercise of its powers under Section 482 Cr.P.C., 1973 the High Court has not at all considered the distinction between a personal or private wrong and a social wrong and the social impact. As observed by this Court in the case of **State of Maharashtra v. Vikram Anantrao Doshi, 2014 (4) R.C.R (Criminal) 381: (2014) 15 SCC 29**, the Court’s principal duty, while exercising the powers under Section 482 Cr.P.C., 1973 to quash the criminal proceedings, should be to scan the entire facts to find out the thrust of the allegations and the crux of the settlement. As observed, it is the experience of the Judge that comes to his aid and the said experience should be used with care, caution, circumspection and courageous prudence.”*

In the case of **Gian Singh V. State of Punjab 2012(4) R.C.R. (Criminal) 543: (2012) 10 SCC 303**, the Apex Court has observed and held as under:

“The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim’s family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences.”

From the aforesaid observations of Hon'ble the Apex Court, it is apparent that the offences with serious magnitude and gravity, having a serious impact on the society, have been excluded from the purview of powers to be exercised under Section 482 Cr.P.C.

As per allegations in the FIR, petitioner was armed with wiper,

and caused head injury to the victim, therefore, it cannot be said that the offence punishable under Section 307 IPC would not be made out. Therefore, the compromise relied upon by the petitioner is rejected.

Considering the seriousness of the offences, but without expressing any opinion on the merits of the the prosecution case, this Court does not find any ground to exercise inherent powers under Section 482 Cr.P.C. for quashing of the FIR on the sole ground of compromise.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

16.08.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No