

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

CRM-M-35912-2021

Date of decision-02.09.2021

Krishan Kumar

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gourav Jain, Advocate for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. S.S.Duhan, Advocate for respondent No.2.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 482 Cr.P.C for quashing of FIR No.149 dated 03.05.2016 (Annexure P-1) registered under Sections 147, 148, 323, 325 and 341 Indian Penal Code, 1860 (challan filed under Sections 307, 506, 323, 325, 341 and 34 IPC) at Police Station Buna, District Fatehabad, on the basis of compromise deed (Annexure P-3).

The FIR was registered on the statement of Satbir Singh, wherein it was alleged that on 14.04.2016, when complainant was returning from his fields on his motorcycle, then Chowdhri Het Ram and Anuj stopped him and told that Krishan Kumar and Mohan Lal (who are brother and father of petitioner, respectively) were calling

him. When complainant reached to them, Krishan Kumar (petitioner) hit on his head with kassi. One person, namely, Satpal, who was also present there and armed with sharp edged weapon also hit complainant. Thereafter, Mohan Lal gave iron rod blow on right leg of the complainant, due to which he fell unconscious. Thereafter, Krishan Kumar ran away from the spot along with other accused persons. On these broad allegations, FIR was registered.

Learned counsel for the petitioners refers to Annexure P-3 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. He further submits that during the pendency of the petition before the trial Court, co-accused of the petitioner (father of petitioner) has expired on 20.01.2021 and now petitioner is the only accused. 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 assisted by SI Dilbag 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 further submits that charges have been framed and case is fixed for 03.11.2021 for recording the prosecution evidence before the trial Court.

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:

*“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, the assailants were armed with sharp edged weapons, who caused injuries to the victim/complainant. Therefore, the compromise relied upon by the petitioner is rejected.

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

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

02.09.2021

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