

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 36782 of 2021

Date of Decision: 23.9.2021

Pardeep @ Deepe

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. J.P.Sharma, Advocate
for the petitioner.

Mr. Anil Kumar Sharma, Advocate
for the complainant/respondent No. 2.

Mr. Satyavir Singh Yadav, Advocate, Notary Public
in person with Mr. S.K.Yadav, Advocate.

HARNARESH SINGH GILL, J. (ORAL)

In compliance of the order dated 07.9.2021, Mr. Satyavir Singh Yadav, Advocate, Notary Public, has appeared in person. He tenders his unconditional apology for not appending the date, while attesting the compromise.

In view of the said fact, no further orders are called for in this regard.

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 450 dated 13.12.2020, registered under Sections 147, 149, 323, 506 and Sections 325 and 307 IPC (added later on), Police Station Kanina, District Mahendergarh (Annexure P-1) and all the consequent proceedings arising therefrom, on the basis of compromise (Annexure P-4) arrived at between

the parties.

Learned counsel for the petitioner submits that the alleged injuries attributed to the petitioner are blunt; that all the injuries are on the non vital part of the body of the complainant; that the offence under Section 307 IPC has been added later on and that now the parties have entered into a compromise (Annexure P-4) and prays for quashing of the present FIR.

Learned counsel for the complainant has not disputed the factum of compromise effected between the parties.

I have heard the learned counsel for the parties.

The present FIR was registered by Naveen-respondent No. 2 against the petitioner alleging therein that on 12.12.2020, at about 1.00 A.M., the petitioner along with 10-15 unknown persons, armed with iron rods, attacked upon him. There are specific allegations in the FIR against the petitioner that he gave *danda* blows on the head of complainant. The petitioner has been attributed four injuries out of which, injuries No. 1 to 3 were found to be grievous in nature whereas, injury No. 4 was found to be dangerous to life.

Though, now a compromise has been effected between the parties, yet the petitioner has been attributed serious injuries on the head of the complainant, which is a vital part of the body.

The Hon'ble Apex Court in '*State of Madhya Pradesh vs. Laxmi Narayan and others 2019 2) RCR Criminal 255*', has observed that the offence falling under the category of heinous crimes cannot be quashed on the sole ground of compromise and non-compoundable as per section 320 Cr.P.C. and has held as under:-

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.”

Thus, from a perusal of the above, it is axiomatic that the offence under [Section 307](#) IPC would fall under the category of heinous and serious offence and is to be treated as a crime against the society and not against the individual alone. Therefore, the criminal proceedings qua the commission of offence under [Section 307](#) IPC, which has 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 the matter.

The petitioner has caused serious injuries on the head of the complainant, which is a vital part of the body. Moreover, there are four other cases pending against the petitioner, out of which one is under Section 302 IPC.

Keeping in view the seriousness of the offence, committed by the petitioner and the law laid down by the Hon'ble Apex court in ***State of Madhya Pradesh vs. Laxmi Narayan's***, this Court does not find it to be a fit case to quash the FIR in question.

The present petition, being devoid of any merit, is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

September 23, 2021
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No