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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48243-2021 (O&M)
Date of Decision: 17.11.2021

Surinder Singh and others

.. Petitioners

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Navjot Singh, Advocate for the petitioners.
Mr. Ramdeep Partap Singh, DAG, Punjab.
Mr. Suraj Kundal, Advocate for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 482 Cr.P.C for quashing of FIR No.0076 dated 28.06.2021 (Annexure P-1) registered under Sections 341, 323, 294, 506 and 149 IPC, 1860 (Section 308 IPC added later on) at Police Station Sadar Raikot, District Ludhiana (Rural) and subsequent proceedings arising therefrom on the basis of compromise dated 04.10.2021 (Annexure P-2).

The above FIR was registered on the complaint of Jagtar Singh, who stated that on 24.06.2021 at about 5:45 PM, he was sitting at Rajgarh Chowk. Joginder Singh son of Sadhu Singh, Hardev Singh and 2/4 persons were also sitting there. When the complainant was about to go to his house then, Surinder Singh, Pargat Singh, Amandeep Singh, Harjit Singh, Sapanjot Singh, Ekjot Singh alongwith 2/3 unknown persons encircled him and asked him, why he used to abuse the Sarpanch, who is son of their paternal uncle to which, he replied that he never abused him. In the meantime, they all attacked him. Amandeep Singh, Pargat Singh and

Sapanjot Singh gave kick blows in his abdomen, Surinder Singh and Ekjot Singh caught hold him from his arm and dragged him and also pulled his hair. Then, Joginder Singh son of Sadhu Singh intervened and saved him from their clutches. The above-said persons abused and threatened him with dire consequences. Thereafter, his family members took him to Civil Hospital, Raikot and from there, he was referred to Rajindra Hospital, Patiala and he was operated upon. On these broad allegations, the abovesaid FIR was registered.

Learned counsel for the petitioners refers to Annexure P-2 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 petitioners would be a futile exercise and prays for quashing of FIR.

On the other hand, learned State counsel assisted by ASI Syed Sakil, has opposed the prayer on the ground that the offences committed are serious in nature and challan has been presented on 02.11.2021. According to him, in such type of heinous crimes, compromise is meaningless and prays for dismissal of the petition.

During the course of hearing, learned counsel for the petitioners does not dispute this fact that as per prosecution, injured Jagtar Singh s/o Sial Singh suffered injuries at the hands of the assailants, who was taken to Civil Hospital, Raikot and later, referred to Rajindra Hospital, Patiala, where he was operated upon. It is also not disputed that doctors described the injuries suffered by the injured as dangerous to life, but the prosecution had only added the offence punishable under Section 308 IPC.

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 Anantrai 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

powers to be exercised under Section 482 Cr.P.C. As per allegations in the FIR, the vicitim Jagtar Singh suffered serious injuries at the hands of the assailants and was operated upon. Therefore, the compromise relied upon by the petitioners 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.

17.11.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No