

290 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-35263-2021

Date of Decision: 17th August, 2022

Ajay

Petitioner

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Munish Bansal, Advocate for the petitioner.
 Mr. Gurmeet Singh, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This petition was filed seeking quashing of FIR No. 117 dated 24.4.2021 under Sections 307 IPC and 27 of Arms Act, 1959 registered at P.S. Sector-6, Bahadurgarh, District Jhajjar and all the consequential proceedings arising thereto on the basis of compromise deed and the affidavit.

The Supreme Court in **State of Madhya Pradesh vs. Laxmi Narayan and others, 2019(2), RCR (Criminal) 225** held as follows :-

“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. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;”

(emphasis supplied)

Learned counsel for the petitioner after realizing that in view of the judgment of the Supreme Court in **Laxmi Narayan and others (supra)** there is an issue with regard to the maintainability of the petition, seeks permission to withdraw the petition with liberty to avail remedies in accordance with law.

Dismissed as withdrawn with liberty as prayed for.

Since the main case has been dismissed as withdrawn, the pending application, if any, is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

17th August, 2022
anuradha

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No