

2023:PHHC:044473

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

CRM-M-41905 of 2022

Date of decision: 24.03.2023

Akashdeep Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Ms. Tuneet Walia, Advocate, for the petitioner.
Mr. Anup Singh, AAG, Punjab.
Mr. Karan Singla, Advocate, for respondent No.2.

NAMIT KUMAR, J.

In compliance of order dated 13.09.2022, short reply by way of affidavit of Harkrishan Singh, Deputy Superintendent of Police, Sub-Division Baba Bakala Sahib, District Amritsar Rural, has been filed on behalf of respondent No.1-State, which is taken on record.

This petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of FIR No.0109 dated 08.06.2022 under Sections 307, 341, 148, 149 IPC, registered at Police Station Beas, District Amritsar, on the basis of compromise dated 27.08.2022 (Annexure P-3).

Brief facts of the case are that respondent no. 2 in his statement, submitted before the police has alleged that he is an agriculturist and they are three brothers and sisters. One sister Mandeep Kaur is married, second is Gagandeep Singh and the third one is respondent no. 2 himself. On 07.06.2022, at around 6 p.m., respondent no. 2 was going towards Baba Bakala Sahib on his Mahindra tractor to

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shift the household articles of his relative. When he reached in front of Indian Oil Petrol Pump, two vehicles, out of which one Swift car bearing registration no. PB11-CG-3684 which was being driven by the petitioner Akashdeep Singh, who is known to the respondent no. 2 along with 3/4 unknown persons and the other car make Zen registration number of which respondent no. 2 could not visualize, containing 4/5 unknown persons, came in front of Mahindra tractor driven by respondent no. 2 and they stopped his way. Petitioner-Akashdeep Singh took out his pistol and fired 2/3 rounds aiming at respondent no. 2 with the intention to kill him and consequently, respondent no. 2 reversed back his tractor. Around 6/7 unknown persons armed with datar and baseball bat ran towards the tractor and one of them gave the datar blow from reverse side, which hit at the right bicep of the respondent no. 2. Out of those unknown persons, another one gave a datar blow which hit at the left bicep of the respondent no. 2 and another unknown person hit respondent no. 2 with datar aiming at his right ankle. Respondent no. 2 raised hue and cry and resultantly the crowd gathered and respondent no. 2 fled away from the spot leaving behind his tractor. All the accused persons also left the site of the occurrence and fled away from the spot. Gulzar Singh, father of respondent No.2, along with Ex- Sarpanch Harjinder Singh came to rescue him and they admitted the respondent no. 2 in the Civil Hospital at Baba Bakala Sahib. On his statement, the FIR in question under Sections 307, 341, 148 and 149 of IPC was registered at P.S. Beas.

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Learned counsel for the petitioner has contended that with the intervention of the elders and respectables of both the families, matter has been compromised between petitioner and respondent No.2. He further submits that as per compromise, respondent No.2 has no objection in quashing the FIR in question.

Per contra, learned State counsel has opposed the prayer made in the petition by submitting that investigation in the present FIR is at the initial stage and petitioner and other co-accused have not joined the investigation till date.

I have heard learned counsel for the parties and perused the record.

Hon'ble Supreme Court in ***State of Madhya Pradesh v. Laxmi Narayan and others, 2019(2) R.C.R.(Criminal) 255*** has held as under: -

“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;”

There are specific allegations against the petitioner that he fired 2/3 shots at respondent No.2 in order to kill him and other co-accused caused injuries to respondent No.2 with blunt weapons. Investigation in the present case is going on and petitioner and other co-accused are absconding and till date they have not joined the investigation. Present case falls under the category of heinous and serious offence and is a crime against the society.

In view of the facts and circumstances of the present case and law laid down by the Hon’ble Supreme Court in **Laxmi Narayan’s** case (supra), no ground is made out to quash the FIR in question on the basis of compromise.

Dismissed.

24.03.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No