

CRM-M-51651-2023

282 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-51651-2023 (O&M)

Date of Decision: 30.11.2023

SHALU @ RAJAT KUMAR AND ORS.

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajesh Lamba, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Vinod Kumar, Advocate
for respondents No. 2 and 3.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 602 dated 06.10.2021 registered under Sections 148, 149, 307, 506, 120-B, 379-B of Indian Penal Code and Section 25 of the Arms Act, 1959 at Police Station City Palwal, District Palwal and all subsequent proceedings arising therefrom in view of the affidavits dated 07.10.2023 (Annexures P-2 & P-3) executed by respondents No. 2 and 3.

2. The FIR has been registered on the statement of complainant-Premchand on the allegations that on 04.10.2021 at around 06.00 PM, when complainant and his son Sanjay were sitting on their shop, the petitioners, who were armed with pistol and *danda* came there and fired on waist of Sanjay from the pistol and one fire shot was hit on the thigh of right leg and petitioners No. 2 and 3 also fired with the intention to kill but the complainant party got saved from their gun shots. Then petitioners No. 4 and 6 also tried to give *danda* blow to the complainant but on making notice the petitioners party

CRM-M-51651-2023

fled away from the spot. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report dated 30.10.2023 has been received from Additional District & Sessions Judge, Palwal stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Haryana on instructions from the Investigating Officer and learned counsel for respondents No. 2 & 3 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The perusal of the record indicates that the pallet injury was caused on thigh of the right leg of Sanjay, son of the complainant and the injury is on the non-vital part and nature and extent of the injury would not attract the provision of offence under Section 307 of Indian Penal Code.

7. A three Judge bench of the Hon'ble Supreme Court in State of Madhya Pradesh Vs. Laxmi Narayan and Ors. (2019) 5 SCC 688 opined that even though offence under Section 307 of IPC is serious heinous offence and should be treated as a crime against society, it is open to the High Court to explore the facts and circumstances of the case to be satisfied that the ingredients of Section 307 are made out.

CRM-M-51651-2023

8. The parties have arrived at a compromise and settled their dispute. A compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

9. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 602 dated 06.10.2021 registered under Sections 148, 149, 307, 506, 120-B, 379-B of Indian Penal Code and Section 25 of the Arms Act, 1959 at Police Station City Palwal, District Palwal and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

(HARPREET SINGH BRAR)
JUDGE

30.11.2023

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No