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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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Date of decision : 22.07.2024

Mahinder Kumar and Ors.

..... Petitioners

V/S

State of Punjab and Ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Aditya Anand, Advocate for petitioners.

Mr. Amandeep Singh, DAG, Punjab.

Mr. Brahmjot Singh Nahar, Advocate for

Mr. Fateh Sahota, Advocate for respondents No.2 and 3.

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AMARJOT BHATTI J.

1. Petitioners – Mahinder Kumar, Surinder Ram, Jashanpreet Chohan @ Mannu, Bhajan Lal, Ajit Kumar, Raghubir Kumar and Sukhraj have filed instant petition under Section 482 of Cr.P.C. for quashing of FIR No.203 dated 23.11.2023 (Annexure P-1), under Sections 341, 323, 148 and 149 of IPC, registered at Police Station City Malout, District Sri Muktsar Sahib and Rapat No.44 dated 05.12.2023, Police Station City Malout (Annexure P-2) vide which offence under Section 307 of IPC was added later on and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3) and in view of affidavits (Annexure P-4 and P-5) executed by respondents No.2 and 3.

2. Facts of the case are Gurnam Singh complainant gave his statement to the police that on 21.11.2023, at about 8:00 PM, he along with his nephew Bhinder Singh was returning home from their workplace, when they reached near Community Hall after crossing Burjan road,



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Mohinder Singh, Surinder Kumar (both empty handed) and Bhajan (armed with iron rod), Mannu (armed with baseball bat) and Ajit Kumar, Raghu and Sukhraj (armed with heavy wooden sticks) were standing there. They surrounded them whereas Mohinder Singh and Surinder Kumar raised a *lalkara* to teach them a lesson. Sukhraj gave baseball bat blow which hit on the left side of head of Bhinder Singh who fell down and become unconscious. He tried to protect Bhinder Singh, Bhajan gave iron rod blow which hit on the right side of his head near ear, Bhajan gave another blow with intention to kill him which hit on right side of his head, he also fell down. Manu gave baseball bat blow which hit on his right shoulder. All accused gave them beating. On hearing hue and cry residents of the locality gathered there and rescued them. They were admitted in Civil Hospital, Malout and further referred to AIMS Hospital, Bathinda. His nephew Bhinder Singh was referred to G.G.S.Medical College, Faridkot. Reason behind this occurrence was his nephew Bhinder Singh had a fight with Sukhraj and Ajit Kumar while playing cricket and because of this reason occurrence took place.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Petitioners and respondents No.2 & 3 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Sub Divisional Judicial Magistrate, Malout dated 21.03.2024. Statement of respondents No.2 & 3 have been recorded, where they confirmed the compromise with petitioners. They confirmed that this compromise has been effected without any pressure, coercion or undue influence from any side and they



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have no objection regarding quashing of FIR.

4. Petitioners – Mahinder Kumar, Surinder Kumar @ Surinder Ram, Jashanpreet Chohan @ Mannu, Bhajan Lal, Ajit Kumar, Raghu @ Raghubir Kumar and Sukhraj also confirmed this fact in their separate statements. As per the report the accused are not involved or declared as proclaimed offender in any other criminal case.

5. Therefore, from the report of Sub Divisional Judicial Magistrate, Malout, it is clear that compromise has been effected between parties without any pressure, coercion or undue influence, which is acceptable to both the parties.

6. I have considered the facts of the case and compromise arrived at between the parties. In the case in hand Bhinder Singh had suffered head injury whereas complainant Gurnam Singh also suffered injury on his person. After medical opinion offence under Section 307 of IPC was also added. Now parties have effected compromise. Cross version was also recorded on the statement of Ajit Kumar who is petitioner in this case. Learned counsel representing petitioners has relied upon the authority cited in **“2014(6) Supreme Court Cases 466** titled as **Narinder Singh and Others versus State of Punjab and Another**”, where in para No.29 it was observed as under:-

*“ 29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:*



*29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.*

*29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:*

*(i) ends of justice, or*

*(ii) to prevent abuse of the process of any court.*

*While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.*

*29.3. Such a power is not to be exercised in those prosecutions which involve 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. Similarly, for the offences alleged to have been committed under special statute like the 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.*

*29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.*

*29.5. While exercising its powers, the High Court is to*



*examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.*

*29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. 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 proving 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/delicate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.*

*29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a*



*crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.”*

7. In the case in hand status report indicates that on the basis of statement of Ajit Kumar cross version was recorded bearing DDR No.32 dated 24.11.2023 under Sections 324, 323, 148, 149 of IPC, Police Station Malout against 07 accused namely Ganesh Kumar, Sandeep Kumar, Gurnam Singh @ Gaman, Bhupinder Singh @ Bhinder, Bablu



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Ram, Raman Kumar @ banti and Ram Sarup. In this case also parties have arrived at compromise and for quashing of this DDR, CRM-M-9579-2024 titled "*Ganesh Lal and Others vs. State of Punjab and Others*" is pending for today itself. Therefore, it is a case of version and cross-version. The reason behind this occurrence was quarrel which took place between both sides while playing cricket. As per status report filed by learned counsel representing the State, investigation is still going on and challan has not been presented. Both parties have arrived at compromise as a result they will be able to live in peace and harmony. Litigation started against each other will come to an end. They are not involved in any other case.

8. Therefore considering these facts, petition filed by petitioners is accepted and FIR No.203 dated 23.11.2023 (Annexure P-1), under Sections 341, 323, 148 and 149 of IPC, registered at Police Station City Malout, District Sri Muktsar Sahib and Rapat No.44 dated 05.12.2023, Police Station City Malout (Annexure P-2) vide which offence under Section 307 of IPC was added later on and all other subsequent proceedings arising therefrom are quashed.

9. Accordingly, present petition stands accepted.

10. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)  
JUDGE

22.07.2024.

Sunil Devi

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No