

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

129

2024:PHHC:044298

CRM-M-14571-2024

Date of decision: April 1st, 2024

Darshan Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Prayer in the instant petition is for quashing of FIR No.164 dated 19.11.2023 under Sections 307, 506 of the IPC and Section 27 of the Arms Act, 1959, registered at Police Station Jhabal, District Tarn Taran and all other proceedings arising therefrom on the basis of compromise (Annexure P-2).

2. Learned counsel for the petitioner submits that subsequent to the registration of the FIR in question, with the intervention of family members, respectables and other well wishers, the parties, who are closely related, have ironed out their differences and arrived at an amicable settlement vide compromise deed dated 01.01.2024 (Annexure P-2). Hence, in the aforementioned circumstances, continuation of criminal proceedings would serve no useful purpose as it would be a futile exercise; the FIR in question along with all consequential proceedings arising therefrom, deserve to be quashed.

3. I have heard learned counsel for the petitioner and perused the relevant material on record including the allegations levelled in the FIR, which has been annexed as Annexure P-1 and is reproduced as

under:-

“Statement of Sukhwinder Kaur wife of Darshan Singh daughter of Mota Singh, resident of Khairdin Ke, police station Jhabal, district Tarn Taran aged about 42 years, Mobile No. 79861-96311. It is stated that I am the resident of above said address and I do domestic work, I have 2 sons elder son is Kuljit Singh aged about 23 years, younger is Gurpreet Singh aged about 21 years and my elder son Kuljit Singh is married and is working as a labourer, my younger son Gurpreet Singh has gone to Dubai about 4 months ago, my husband Darshan Singh has been beating me after some time of the marriage and he even threw me out of the house after beating me several times. My parental house is situated at Algo Kothi near the village Wara Sher Singh, we are 05 sisters and I am the youngest. Being afraid of the quarrel, I also gave money to my husband after mortgaging the land under my share, but my husband Darshan Singh did not stop arguing with me. On 16.11.2023, time around 8:30 AM in the morning, we whole were taking tea etc, when my husband Darshan Singh son of Jagtar Singh resident of Khairdin Ke Police Station Jhabal, started arguing with us and brought his license rifle 12 bore from inside the room. And he started threatening to kill me, my son Kuljit Singh, my daughter-in-law Manpreet Kaur. Seeing the opportunity, I closed the iron door of the room to calm down his anger, but my husband Darshan Singh started firing inside the door with the intention of killing us. Due to which a hole was caused in our iron gate and the bullet shells hit in the outer door of our house, some bullet shells from the rifle fire hit me in my neck and in the heel of my right foot, my daughter-in-law Manpreet Kaur got injuries on her left foot and my one-year-old Granddaughter Jaskirat Kaur sustained sharp injuries on both the inside and outside of her left foot. My husband had beaten me for not bringing more money from my parents. On 16.11.2023, my husband fired from his licensed.12 bore rifle with the intention of killing me and my family members. The reason for the grudge is that my husband Darshan Singh is keeping an eye on my share of land of my parents and asks me to sell it, which I refuse to sell. Due to this reason, my husband Darshan Singh got angry and fired at us with the intention of killing me and my children. We went to the government hospital Kassel to get admitted

regarding the injuries sustained by us, but no doctor had admitted us. Today I have come along with my son Kuljit Singh to register my statement. I have got written the statement, Action should be taken RTI/- Sukhwinder Kaur”

4. No doubt, in cases where the offences are private in nature and the parties have amicably settled their disputes, the Courts should unhesitatingly go ahead and quash the FIR on the basis of a compromise arrived at between the parties. However, the inherent powers of this Court under Section 482 of the Cr.P.C. though wide, are certainly not unbridled, and thus, have to be exercised sparingly and with a great deal of caution and circumspection.

5. It would be apposite to refer to the following observations made by Hon'ble the Supreme Court in its various judicial pronouncements with respect to the quashing of an FIR on the basis of a compromise effected between the parties. Hon'ble the Supreme Court in *The State of Madhya Pradesh Versus Laxmi Narayan and others* 2019 (5) SCC 688, has held as under:-

"15.4 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;"

6. In *P. Dharamaraj Versus Shanmugam and others 2022 LiveLaw (SC) 749*, the Hon'ble Supreme Court has cautioned the Courts in the following terms:-

"42. Thus it is clear from the march of law that the Court has to go slow even while exercising jurisdiction under Section 482 Cr.P.C. or Article 226 of the Constitution in the matter of quashing of criminal proceedings on the basis of a settlement reached between the parties, when the offences are capable of having an impact not merely on the complainant and the accused but also on others."

7. Adverting to the instant case, a perusal of the FIR, which has already been reproduced in the earlier part of this order, *prima facie*, it stands revealed that there are serious allegations against the petitioner, who was armed with a .12 bore rifle; he fired shots towards his wife, son and daughter-in-law, as a result of which the complainant wife sustained injuries on her neck and right foot. Besides, the daughter-in-law as well as the granddaughter of the complainant also sustained sharp injuries on their feet when the petitioner allegedly fired towards them. Though the matter has been settled between the parties, however, keeping in view the mode and manner in which the

occurrence has taken place and the seat of firearm injuries on as many as three persons from the complainant party, coupled with the various judicial pronouncements, which have been referred to in the earlier of this order, this Court cannot be expected to turn a blind eye to the gravity of the offences and the nature of injuries sustained by the complainant party, which were opined to be dangerous to life.

8. As a sequel to the above, in the wake of the specific and serious allegations levelled against the petitioner and injuries attributed to him, coupled with the ratio of law laid down by Hon'ble the Supreme Court, this Court does not deem it fit to quash the FIR in question on the basis of a compromise effected between the parties.

9. The instant petition stands dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 1st, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No