

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

135

CRM-M-15530-2024

Date of decision: 01.04.2024

Jagjit Singh @ Jagga @ Geetu

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Chanakya Batta, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed for quashing of FIR No.79 dated 04.09.2023 under Sections 307, 324 of the IPC registered at Police Station Bhargo Camp, Jalandhar and all consequential proceedings arising out of the same, on the basis of compromise dated 08.12.2023 (Annexure P-2) and affidavit dated 07.03.2024 (Annexure P-3) arrived at, between the parties.

2. Learned counsel for the petitioner inter alia contends that it was essentially on account of a matrimonial dispute between the parties that the occurrence in question took place. He submits that however, subsequently the parties had amicably settled all their disputes and arrived at an amicable settlement.

3. On pointed query put to the learned counsel as to how the FIR in question could be quashed on the basis of a compromise, since multiple grievous injuries had been inflicted upon the complainant-respondent No.3 with a laceration on vital parts of the body of the daughter of the complainant, including a fracture on her head, he submitted that

the inherent powers of this Court under Section 482 of the Cr.P.C. was wide enough and an FIR even in heinous offences could be quashed. In support, learned counsel referred to ***Daxaben Vs. The State of Gujarat and others : 2022 LiveLaw (SC) 642***, wherein the Hon'ble Supreme Court observed that when the victim and offender have compromised dispute essentially civil and personal in nature, the High Court can exercise its powers under Section 482 of the Cr.P.C. to quash an FIR.

4. I have heard learned counsel and perused the relevant material on record including the allegations levelled in the FIR which has been annexed as Annexure P-1.

5. No doubt, in cases where the offences are private in nature and the parties have amicably settled their disputes, the Court should unhesitatingly go ahead and quash the FIR on the basis of the compromise arrived at between the parties. However, 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.

6. Before proceeding further, it would be apposite to refer to the following observations made by the Hon'ble Supreme Court in its various pronouncements with respect to the quashing of an FIR on the basis of a compromise:-

6A. ***The State of Madhya Pradesh Vs. Laxmi Narayan and others : (2019) 5 SCC 688*** wherein the Hon'ble Supreme Court 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;”

6B. In ***P.Dharamaraj Vs. Shanmugam and others : 2022 Live Law (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.PC 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 case in hand, a perusal of the FIR (Annexure P-1) prima facie reveals that serious allegations have been levelled against the petitioner, who after being armed with datar, gave

repeated blows on the person of injured with an intention to kill her. Still further, as per the allegations even after the injured ran outside her house in order to save herself, the accused petitioner yet again chased her and gave repeated datar blows on her head and legs, as a result of which, she sustained serious injuries on vital parts of her body, including a fracture on her head. The reliance placed upon by the learned counsel on ***Daxaben's case (supra)*** is misplaced as not only had Hon'ble the Supreme Court declined to quash an FIR on the basis of compromise in the said case but had also cautioned the exercise of Section 482 of the Cr.P.C. in quashing FIR(s) involving heinous offences merely on the basis of compromise between the parties.

8. Though the matter has been settled between the parties, however, keeping in view the various judicial pronouncements of Hon'ble the Supreme Court, which have been referred to in the earlier part of this order, this Court cannot be expected to turn a blind eye to the gravity of the offences as also the factum of there being specific allegations against the petitioner of having inflicted repeated datar blows on the person of the injured and other members of his family.

9. Hence, in the wake of the specific and serious allegations levelled against the petitioner and the injuries attributed to him, coupled with the ratio of law laid down by the Hon'ble Supreme Court, this Court does not deem it fit to invoke its inherent jurisdiction under Section 482 of the Cr.P.C. to quash the FIR in question. Accordingly, the instant petition is hereby 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.

01.04.2024
Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/Nos