

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17970 of 2024
Date of decision: 15th April, 2024

Bikramjit Singh & others
... Petitioners

Versus

State of Punjab & another
... Respondents

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Gurmeet Kaur, Advocate for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing FIR No.138 dated 13.07.2016 (Annexure P-1) under Sections 307, 506, 148, 149 of the IPC and sections 25/27 of the Arms Act, 1959 registered at Police Station City Kharar, District SAS Nagar Mohali along with all consequential proceedings arising therefrom on the basis of compromise dated 05.04.2024 (Annexure P-2) effected between the parties.

2. Learned counsel submits that no doubt offences alleged are under Section 307 IPC as well as under the Arms Act, 1959, however, it is a case of no injury and hence, in the interest of justice, the FIR in question be quashed as further proceedings would serve no useful purpose.

3. Notice of motion.

4. Mr. Amit Rana, Sr. Dy. Advocate General, Punjab accepts notice on behalf of the State. Mr. Rajesh Duhan, Advocate puts in appearance and files his power of attorney on behalf of respondent No.2.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. It will be apposite to reproduce the contents of the FIR in question, which reads thus:-

"Statements of Bhawanjit Singh @ bhawan, S/o Late Mohan Singh, Caste Jaat, R/o Village Khuni Majra, Police Station Sadar Kharar, District SAS Nagar, aged about 21 years, Mobile No. 84277-49353, State that I am resident of the above address and I am doing the work of agriculture. My father was passed away. We are two brothers I am elder and my younger brother is Anmolpreet Singh studying in 11th class in Khalsa Senior School Kharar, my brother Anmolpreet Singh with his friend was went to his aunt's house, on his car bearing No. HP12-1511 on 12.11.2016, when they reached near Samrala, back to Bypass road Morinda Ghandua side, another vehicle numbered PB-65R-9870 was parked in front of their car. Happy, Billa, Jassa and 2/3 other boys were in it and they were beaten up by these person. In this regard, I wanted to talk to Happy and others but they did not meet me and around 7:30 PM I was called by Harinder Singh @ Honey and they asked me to come to the back side of Khooni Majra College, So me and my friend Rupinder Singh C Rupi S/o Kulbir Singh, caste Jaat, on our car Safari Number HP12-1511 and went to the back side of Khooni Majra College to talk. I left

switched on the lights of the car and I just came out of the car. On car Endeavor bearing number PB65-R-9870, one Balero and one more car was parked there, Vikramjit Singh @ Vicky S/o Jaswinder Singh, Jaat, R/o Badanpur, Manpreet Singh R/o Jandpur, Gurinder Singh @ Billa and Harinder Singh @ Honey S/o Sant Singh, R/o Jhugia and Aman R/O Chajju Majra were standing next to the cars. Aman saw me and raised a lalkara that we will not let you go. Along with the lalkara, others started shouting loudly and they all started abusing us. Aman fired on us with his weapon with the intension of killing me, but I was saved along with the above said persons, Jassa was also with them, who is residing "Kharar City" I ran into the car, started the car and saved myself, when I tried to ran away from the spot then Aman again fired another shot at me and others who were present there, threw stones at me, and used to threaten to kill. Sandeep was still in the car. So we quickly drove the car away and saved our lives, after that I did not step out of my house. Today I was coming with my mother to inform you and you met me on the way at Ladra Raod, I-point, Badala. The statement got recorded to you and action should be taken against Vikramjit Singh @ Vicky, Manpreet Singh @ nandi, Gurinder Singh @ Billa, Harinder Singh @ Honey, Aman Chajja Majra, and Jassa Sd/- Bhawanpreet Singh. Testified by Jasbir Kaur, verifying by ASI Deep Singh, Police Station City Kharar."

7. A perusal of the FIR in question prima facie reveals that it was a premeditated attack which was carried out by the accused petitioners upon the complainant; the complainant along with his friend had been called to the spot by the accused and thereafter, without any

provocation, all the accused, who were armed with fire-arms, fired towards the complainant; the complainant quickly got inside his vehicle and fled from the spot. The accused, thereafter, kept pelting stones towards the vehicle of the complainant. Furthermore, it needs to be emphasized that an offence under the Arms Act, 1959 is always registered with the sanction of the District Magistrate, who too is not a party to the instant petition, and on this ground as well, the criminal proceedings against the petitioners cannot be quashed in the instant case.

8. In view of the peculiar facts of the present case, it is apparent that the occurrence in question was a premeditated one and without any provocation, thereby affecting the society at large, not just the Complainant as an individual. It is, therefore, the duty of the State to bring to book such offenders of crimes against society. The afore-referred position has been reiterated time and again by Hon'ble the Supreme Court in a plethora of judgments including '**State of M.P. vs. Laxmi Narayan**' (2019) 5 SCC 688, stating that certain offences, such as offences under Section 307 IPC and/or the Arms Act, 1959 etc. fall within the category of heinous and serious offences and therefore, are to be treated as crimes against society and not against the individual alone. Thus, criminal proceedings for the offence under Section 307 IPC of and/or the Arms Act, etc. which make 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.

9. In the facts and circumstances as enumerated hereinabove, the petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

April 15, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No