



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

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CRM-M-26725-2024

Date of decision: 12.07.2024

Harpreet Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

MANJARI NEHRU KAUL, J.

1. The petitioner has invoked the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') for quashing of FIR No.020 dated 08.03.2024 under Sections 307, 506, 427, 34 of the Indian Penal Code, 1860 (for short, 'IPC') registered at Police Station Dhanaula, District Barnala, District Barnala and all consequential proceedings arising out of the same, on the basis of compromise dated 07.05.2024 (Annexure P-2) arrived at, between the parties.

2. Learned counsel appearing 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 have settled their differences and arrived at an amicable settlement vide compromise deed Annexure P-2. Hence, in the aforementioned circumstances, continuation of criminal proceedings



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would serve no useful purpose as it would be a futile exercise; the FIR in question along with all consequential proceedings arising therefrom, therefore, deserve to be quashed.

3. Notice of motion.

4. On asking of the Court, Mr. Navdeep Singh, DAG, Punjab, accepts notice on behalf of respondent No.1-State.

5. At this stage, Mr. Mohit Kumar, Advocate, has put in an appearance on behalf of respondents No.2 and 3 and filed his Power of Attorney which is taken on record. He does not dispute the submissions made by counsel opposite that the parties have indeed arrived at an amicable settlement vide compromise deed Annexure P-2. He has, thus, not opposed the prayer made for quashing of the FIR in question.

6. However, learned State counsel has vehemently opposed the prayer made for quashing of the FIR in question on the basis of compromise in view of the serious allegations levelled against the petitioner in the FIR in question.

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

8. Before proceeding further, it would be relevant to reproduce the contents of the FIR which read as under:-

“Statement of Jaskaran Singh son of Harjinder Singh resident of Bhure, District Barnala, aged about 34 years, Mobile No.82848-16855, stated that I am resident of above said address. I have passed B.A. I am still bachelor. About from the last four years, I am working as Supervisor at Toll Plaza Budbar. On 05.03.2024, I and staff of toll plaza as usual were attending duty at toll plaza Budbar. At about 05.50 P.M. that one Scorpio white coloured bearing No.PB-13BG-2875 came from village Budbar side and stopped at toll plaza. At the toll plaza, the driver of above



said Scorpio and person who was sitting on the seat of conductor asked Gurdip Singh son of Darshan Singh resident of Kunra and me that they will not get issued toll receipt and will not pay toll and they are local residents of Dhanaula. Then I called Narinder Singh alias Tiddi son of Visakha Singh resident of Bagehar Patti Dhanaula at spot, who does duty as LA who was present at toll plaza and was discharging his duty. I asked him that they are resident of Dhanaula, then Narinder Singh alias Tiddi asked driver of Scorpio as to where you reside at Dhanaula Patti, then youngman person who was sitting on the seat of conductor said who are you to stop us, we are not going to pay toll and get issued toll plaza receipt, then on the angle (barricade) put before toll plaza, Narinder Singh alias Tiddi was standing, who said brother please firstly get issued toll plaza receipt, then driver and persons sitting on conductor seat threatened Narinder Singh alias Tiddi and asked that you should keep away from angle (barricade) otherwise we will run over vehicle over you and will kill you, and when I was all this watching, the person sitting on conductor seat of Scorpio said Harpreet cross over the vehicle, upon saying this, the driver of Scorpio suddenly broke the angle (barricade) took forward the vehicle and with intention to kill Narinder Singh alias Tiddi dragged him, threw away him and took the vehicle and fled away towards Dhanaula side. I and our staff of toll plaza picked up Narinder Singh alias Tiddi who told us that it appear that I have got serious injury on the back of my head and I am feeling pain in my head. We arranged vehicle and brought Narinder Singh alias Tiddi to Civil Hospital, Dhanaula for treatment where doctor after giving preliminary assistance referred him to Civil Hospital Barnala where his relative reached there. Thereafter, we took Narinder Singh alias Tiddi to Govt. Hospital Barnala for treatment. Doctor checked up and after scanning of head injury referred him. We, on the same night, for treatment got admitted Narinder Singh alias Tiddi in Arora Neuron Centre Hospital, Mall road, Ludhiana where he is under treatment. I can recognize the driver of above said Scorpio Harpreet Singh and other unknown person who was sitting on the seat of conductor if he is brought before me. We have also got CCTV footage in the camera installed at toll plaza which I will produce before you. The legal action against driver of above said Scorpio Harpreet Singh resident of Longowal and unknown person sitting on the seat of conductor be taken. Today, regarding incident you alongwith Police party came to Toll Plaza Burbar where I have got recorded my statement, have read over it and admit it to be correct. Sd/- Jaskaran Singh. Corroborated the above said statement Sd/- Gurdeep Singh son of Darshan Singh resident of



Kunra District Sangrur (Mob.62394-49158). Certified. Sd/- Avtar Singh, ASI Police Station Dhanaula Dated 08.03.2023. Action by Police: On 06.03.2024, Head Munshi of Police Station informed that one message from doctor, Civil Hospital, Dhanaula and one telephone from Arora Neuron Centre Hospital, The Mall, Ludhiana has been received that patient Narinder Singh alias Visakha Singh resident of Dhanaula due to injuries suffered in altercation has been admitted for treatment. Action be taken. Thus, on 06.03.2024 to 07.03.202, I, ASI, being busy in Govt. and VIP duty could not conduct any proceedings. Today, I, ASI alongwith HC Sandeep Singh No.758/PB, Lady Constable Amandeep Kaur No.675/BNL and PHG Kulwant Singh No.27084 through private car alongwith investigating kit left for taking action. MLR No. JK/06/DNL/2024 dated 05.03.2023 obtained from doctor in which doctor recorded that patient Narinder Singh suffered one blunt injury with blunt weapon which has been kept for X-Ray and surgery opinion. Then I, ASI alongwith colleague Police officials left from CHC Dhanaula to Arora Neuron Centre Hospital, Mall road, Ludhiana where written opinion from doctor for taking statement of patient Narinder Singh was obtained. Doctor wrote patient unfit for making statement. No other persons were available in the hospital who could knew about the incident. Thus, I, ASI alongwith police officials left from Arora Neuron Centre Hospital, Mall Road, Ludhiana and reached at place of incident i.e. Toll Plaza Burbar where Jaskaran Singh son of Harjinder Singh resident of village Bhure, District Barnala and Gurdip Singh son of Darshan Singh resident of Kunra were present who got recorded statement with me, ASI, which was word by word recorded in laptop, print out taken and was got read over to Jaskaran Singh, who after going through the statement and admitting it to be correct appended his signatures in Punjabi at the end of statement. Gurdip Singh corroborated the contents of statement. I, ASI, certified the statement. From the perusal of statement and MLR No.JK/06/DNL/2024 dated 05.03.2024 of patient Narinder Singh, offence under Sections 307, 506, 427, 34 of IPC is made out. The recorded message through PHG Kulwant Singh No.27084 is being sent to Police Station for registration of FIR against the driver of Scorpio bearing above said number i.e. Harpreet Singh resident of Longowal and unknown persons. After registration of FIR, its number be intimated. Special reports be issued. Intimation to Police Control Room Barnala be given. I, ASI alongwith police officials are busy in investigation. Jurisdiction Toll Plaza Burbar at 05.45 P.M. Sd/ Avtar Singh, ASI Police Station Dhanaula dated 08.03.2024."



Upon receipt of recorded statement, FIR No.20 dated 08.03.2024 under Sections 307, 506, 427, 34 IPC Police Station Dhanaula against driver of Scorpio No.PB-13BG-2875 Harpreet Singh resident of Longowal and unknown persons has been registered. After issuing special reports, the same are being sent through Constable Jaspreet Singh No.82/BR to Illaqa Magistrate Barnala and senior police officers for information. Entry in the record is being got made. Intimation to PCR Barnala through email is being given. Original recorded statement alongwith copy of FIR is being sent through PHG Kulwant Singh No.27084 to ASI Avtar Singh No.694/BR Police Station Dhanaula who is busy at place of occurrence.”

9. In cases where the offences are private in nature and the parties have amicably settled their disputes, the Court should unhesitatingly quash the FIR based on the compromise reached between the parties. While the inherent powers of the Court under Section 482 of the Cr.P.C./Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (for short, 'BNSS') are undoubtedly wide, they are not without limits and must be exercised with great caution and circumspection. It is essential to recognise the powers of this Court to intervene and quash criminal proceedings in the interest of justice; however, it is equally important to guard against any misuse of such powers. The primary objective is to uphold justice and protect societal interests, necessitating a careful and meticulous evaluation of each case. This assessment ensures that invoking these exceptional powers is warranted, considering the broader implications for society and maintaining societal order. Hon'ble the Supreme Court through its various judicial pronouncements with respect to quashing of criminal proceedings under Section 482 of the Cr.P.C. has provided a comprehensive framework that balances the principles of justice, the



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need to prevent misuse of legal process, and the societal impact of certain offences. It needs to be pointed out that when parties have settled their dispute this Court's decision to quash proceedings should hinge on two main criteria : (i) whether quashing the proceedings will ultimately serve the broader cause of justice; (ii) whether continuing the proceedings would constitute an abuse of the judicial process. No doubt, in cases primarily involving private disputes and civil matters such as commercial transactions of family conflicts, where the parties have resolved their issues, there should not be any hesitation to quash the FIR, however, in certain offences due to their severe nature and societal impact, they should not be quashed merely because the parties have settled their disputes. Offences such as murder, rape, dacoity, offences involving mental depravity, offences under the Prevention of Corruption Act, 1988, offences committed by public servants in their official capacity should be excluded even if the parties have resolved their disputes as these offences are crimes against society at large, not just the individual victim. The overarching aim is to ensure that the judicial system is not misused for settling private scores or avoiding legal consequences for serious crimes. This Court in exercise of its powers under Section 482 of the Cr.P.C./528 of the BNSS must ensure that a balance is maintained between individual rights and societal interests.

10. It would be apposite to refer to the following observations made by Hon'ble the Supreme Court in *Narinder Singh vs. State of Punjab (2014) 6 SCC 466*:



“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/delegate 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.”

11. Similarly, in ***P. Dharamaraj Vs. Shanmugam and others*** : **2022 LiveLaw (SC) 749**, Hon'ble the Supreme Court has categorically 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.”

12. Thus, through its numerous judicial pronouncements Hon'ble the Supreme Court has consistently held that offences under Section 307 of the IPC, which pertains to attempt to murder, falls within the category of heinous and serious crimes. These offences are considered crimes against society due to their severe nature and the substantial impact they have not only on the individual victim but also on the broader community. Consequently, proceedings under Section 307 of the IPC cannot be quashed by this Court in exercise of its inherent powers under Section 482 of the Cr.P.C./528 of the BNSS merely on the basis that the parties have resolved their disputes privately. Allowing such settlements would set a dangerous precedent,



potentially encouraging out-of-Court resolutions for serious offences.

13. Adverting to the present case, as per the allegations levelled in the FIR which has already been reproduced in the earlier part of this order, the petitioner-accused along with unknown persons, perpetrated a life threatening attack on respondent No.3-Narinder Singh; the petitioner refused to obtain a toll receipt and, when confronted by respondent No.3, threatened him with dire consequences. Subsequently, the petitioner drove through a barricade with the intent to kill the respondent, who was then run over, dragged along with the car, and eventually thrown to the side of the road as the petitioner along with the unknown person in his vehicle fled away. As a result, respondent No.3 sustained serious injuries particularly to his head.

14. In the light of the law laid down by Hon'ble the Supreme Court and given the facts and circumstances of the present case, the occurrence in question prima facie comes across as unprovoked, life threatening attack with significant societal impact. It is imperative for the State to prosecute such offenders to uphold justice and maintain social order. Despite the resolution between the parties, this Court must prioritize the principle of justice and judicial integrity, which would undoubtedly be compromised by quashing the FIR in question on the basis of the compromise stated to have been effected between the parties.

15. As a sequel to the above, this Court is not inclined to invoke its inherent jurisdiction under Section 482 of the Cr.P.C./528 of the BNSS to quash the FIR in question. Accordingly, the instant

petition is hereby dismissed.

16. 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.

12.07.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No