



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

CRM-M No.29664 of 2024
Date of decision: 9th July, 2024

Dhram Pal @ Dharampal & others

... Petitioners

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harkirat Singh, Advocate for the petitioners.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing FIR No.0105 dated 25.03.2018 under Sections 148, 149, 307, 323, 506 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Chand Hut, District Palwal along with all consequential proceedings arising therefrom on the basis of compromise dated NIL (Annexure P-2) effected between the parties.

2. Learned counsel appearing for the petitioners-accused submits that subsequent to the registration of the FIR in question (Annexure P-1), with the intervention of respectables and other well-wishers, the parties have ironed out their differences and arrived at an amicable settlement vide compromise deed (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, therefore, deserve to be quashed.

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

4. Before proceeding further, it would apposite to reproduce the contents of the FIR, which read as under:-

“To, the Respected SHO Sir, Police Station Chand Hat Respected Sir, prayer is that I, Bhupender son of Shiv Charan Caste Jat, am a permanent resident of Chand Hat. I was asleep along with my family members on 24.03,2018 in night at 11.05 pm then Ajit son of Dharampal, Sarjeet son of Dharampal, Shalender son of Buddhi, Dharampal son of Shyamlal, Dharam son of Shyam Lal, Sunder son of Shyam Lal, Deepak son of Sunder, Reepak son of Sunder, Nabab son of Mahender, Chandu son of Raju, Buddhi son of Pyare, Dalu son of Pyare, Bhola son of Buddhi caste Jat, came to our house and started firing and started threatening to kill us, I some how managed to save my life and reached Thana Chand hat and gave a complaint and also gave initiation on 100 number then: police came at night and dropped us at home. All these people conspired/ made a plan at night and attacked our home on 25.03.2018 in the morning at 07.05 AM. Ajit son of Dharam Pal fired on my father Shiv Charan son of Kanhi Ram: which hit the hand and stomach/abdomen of my father then Shalender son of Dharampal fired on my nephew Bhram which hit on his head thereafter Dharampal son of Shyamlal struck my father on the head with the but of the rifle and Buddhi



son of Pyare fired upon my father and I with a rifle which hit me on the hand and my father on stomach/abdomen. Thereafter all these persons fired multiple rounds which hit three four other persons, against all these persons previously also there are several cases registered at police station chand hat. They have given threats-2 of loot and taking life. These people have created an environment of terror and unrest in the village. Kindly take appropriate legal action against them.”

5. It is imperative to recognize that while this Court has the power to intervene and quash criminal proceedings in the interest of justice, this discretion should be applied sparingly. However, the inherent powers of this Court under Section 482 of the Cr.P.C., though extensive, are not without limits. These powers must be exercised judiciously, with a high degree of caution and prudence.

6. The intent is to prevent the misuse of such powers and to ensure that justice is served, not undermined. Each case must be meticulously evaluated to determine whether it warrants the exercise of such extraordinary powers, considering the broader implications for justice and societal order. No doubt, in cases where the offences are of a private nature and the parties have amicably resolved their disputes, the Court should, without hesitation, proceed to quash the FIR based on the compromise reached between the parties. However, while dealing with issues which impact the society at large, the Court must not quash the FIR mechanically based on a settlement between the parties. It would be



also relevant to refer to the observations made by Hon'ble the Supreme Court through its various pronouncements with respect to the quashing of an FIR on the basis of a compromise. In ***The State of Madhya Pradesh Vs. Laxmi Narayan and others:(2019) 5 SCC 688***, Hon'ble the Supreme Court has held as under:-

“15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

<i>XXXX</i>	<i>XXXX</i>	<i>XXXX</i>
<i>XXXX</i>	<i>XXXX</i>	<i>XXXX</i>

iv) 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;”

Similarly, in ***P.Dharamaraj Vs. Shanmugam and others: 2022 Live Law (SC) 749***, Hon'ble the Apex Court 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.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. Therefore, criminal proceedings for offences under Sections 307 and the Arms Act, which have a significant societal impact, cannot be quashed by this Court under the powers conferred by Section 482 of



the Cr.P.C. as quashing would unequivocally compromise these core principles. The nature of offences and the broader implications for society require that justice be served through the continuation of criminal proceedings. Quashing the FIR would not only erode public confidence in the judicial system but also set a dangerous precedent, potentially encouraging the settlement of serious offences outside the judicial framework. Therefore, despite the resolution between the parties, the Court must prioritize the overarching principles of justice, which would without a doubt be jeopardized by quashing the FIR in question.

8. Upon examining the case at hand, it becomes prima facie evident from a perusal of the FIR that the occurrence was a pre-meditated attack orchestrated by the accused/petitioners against the complainant. The accused/petitioners, armed with rifles, went to the residence of the complainant and inflicted fire arm injuries on the family of the complainant. Additionally, the accused/petitioners fired multiple rounds, resulting in injuries to three more persons present at the spot.

9. It is important to underscore that an offence under the Arms Act, 1959 requires the sanction from the District Magistrate, who is not even a party to the present petition. This procedural aspect further solidifies that the criminal proceedings against the petitioners cannot be quashed in the present case.



10. Given the peculiar circumstances of this case, it is prima facie clear that the attack was preplanned and unprovoked, impacting society at large rather than just a particular individual. Consequently, it is the responsibility and duty of the State to hold such offenders accountable for crime that affects societal order. The Hon'ble Supreme Court has consistently upheld this principle through its numerous judgments including '*The State of Madhya Pradesh Vs. Laxmi Narayan*' (supra). It has been affirmed by the Hon'ble Supreme Court that certain offences, such as those under Section 307 IPC and the Arms Act, are categorized as heinous and serious crimes, impacting society as a whole rather than just the individuals.

11. As a sequel to the above detailed discussion, this Court does not deem it fit to quash the FIR in question. The petition stands dismissed.

12. 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.

(MANJARI NEHRU KAUL)
JUDGE

July 9, 2024
rps

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