

286 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-46266-2022

Date of decision: 27.08.2024

Surjeet SinghPetitioner

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**

Present: Mr. Balwinder Singh Jolly, Advocate
for the petitioner.

Mr. Gautam Thapar, AAG, Punjab.

Mr. H.S. Baidwan, Advocate
for respondent No.2.

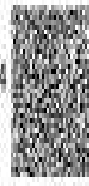
Mr. G.S. Jagpal, Advocate
for respondent No.3.

AMARJOT BHATTI, J (Oral):

1. Petitioner-Surjeet Singh has filed present petition under Section 482 Cr.P.C. for quashing of FIR No.152 dated 28.09.2021, under Sections 307, 452, 323 and 325 IPC, registered at Police Station Dakha, District Ludhiana Rural, on the basis of compromise between petitioner and complainant/respondent No.2 and injured/respondent No.3 in order to maintain harmonious relationship between them, therefore, FIR and consequential proceedings arising therefrom be quashed on the basis of compromise.

2. Brief facts of the case are Avtar Singh complainant/respondent No.2 gave statement to the police that he is agriculturist by profession. His ancestral land was adjoining to his house. He had kept Ram Dulara alias Dulla Rai r/o Uttar Pradesh as his servant on a monthly salary of Rs.

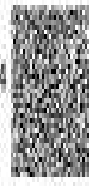
11,000/- who was working with him for the last about 1 year. He had installed barbed wire on the passage with the consent of all residents, to



prevent stray cattle from his field. On 27.09.2021 at about 8.30 P.M. Surjit Singh was passing through said passage for going to the house of his brother Lakhvir Singh. He was under the influence of liquor. He returned back after seeing the barbed wire and started abusing his servant in filthy language. Surjit Singh gave axe blow on the head of Ram Dulara alias Dulla Rai with intention to kill him. The complainant also reached there and raised alarm. On this, assailant ran away along with his weapon. Ram Dulara alias Dulla Rai was taken to Civil Hospital Sudhar, after giving first aid, he was taken to DMC, Ludhiana, where he was under treatment and was unconscious. With these allegations, the present FIR has been registered.

3. Petition was filed for quashing of aforesaid FIR on the basis of compromise. Sh. H.S. Baidwan, Advocate filed Power of Attorney on behalf of respondents No.2 and 3, who confirmed the compromise with petitioner Surjit Singh.

4. Status report was called for. Facts of the case were confirmed. It was explained that as per the MLR, Ram Dulara alias Dulla Rai had suffered head injury and accordingly CT scan was conducted and it was depressed communicated fracture of right parietal frontal bone with hemorrhagic contusions. Weapon used in the occurrence was recovered from Surjit Singh on the basis of disclosure statement. After completion of investigation, challan was presented in the Court on 22.12.2021. Charge sheet has been framed on 30.03.2022. Till date, no witness has been examined. It is pointed out that offence is of serious nature and it is non-compoundable offence. Therefore, petition for quashing of FIR on the basis of compromise is opposed by learned counsel representing State of Punjab.

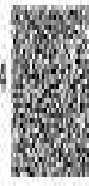


compromise, vide order of this Court dated 14.05.2024 private parties were directed to appear before trial Court/Area Magistrate for recording of their statements regarding compromise dated 06.05.2022 and the report was called regarding genuineness of compromise, number of accused involved in the case and the fact if any accused was absconding or declared proclaimed person.

6. In pursuance of this order, report has been received vide letter No.177 dated 26.07.2024 from Additional Sessions Judge, Ludhiana, who reached to the conclusion that there is only one accused involved in this case namely Surjit Singh and after recording statements submitted that the compromise is genuine.

7. I have heard the arguments and gone through the record carefully. As per the facts narrated above, petitioner/accused Surjit Singh is resident of village Dhatt, Police Station Dakha whereas Avtar Singh respondent No.2/complainant is resident of village Dakha. Injured Ram Dulara alias Dulla Rai is permanent resident of Uttar Pradesh who was working for Avtar Singh. He had received head injury. On the statement of Avtar Singh respondent No.2/complainant FIR was registered against petitioner Surjit Singh under Sections 307, 452, 323 and 325 of IPC.

8. I have gone through the contents of compromise Annexure P-2 which merely indicates that on account of compromise, Avtar Singh and Ram Dulara alias Dulla Rai do not want to pursue the said FIR and they have no objection if the FIR and subsequent proceedings are quashed. It is further mentioned that they undertook to appear in the Court to make their statements before competent Court. In para 3, it was further alleged that first party i.e complainant and injured had no objection if the bail is



In the entire deed of compromise there is no reference of any other term or condition on the basis of which the compromise was arrived at. Considering the factual position Ram Dulara alias Dulla Rai was ordered to appear in the Court who appeared on 21.08.2024. On the asking of Court Ram Dulara alias Dulla Rai stated that he had come from Gorakhpur, Uttar Pradesh. On further inquiry, he disclosed that he is being given Rs. 2,000/- per month in his account. It is further stated by counsel for respondent No.2 that entire medical expenditure of Ram Dulara alias Dulla Rai was borne by the petitioner.

9. Today, Sh. G.S. Jagpal, Advocate filed Vakalatnama on behalf Ram Dulara alias Dula Rai reiterating that aforesaid compromise is acceptable to the injured and they have mutually settled all their claims.

10. I have considered the stand taken by learned counsel for the petitioner as well as learned counsel representing respondent No.3. So far as Avtar Singh respondent No.2 is concerned, he is complainant and he did not suffer any injury. In fact it was Ram Dulara alias Dulla Rai who was injured in the occurrence. As per status report and the contents of FIR, respondent No.3 suffered head injury including fracture of right parietal frontal bone with hemorrhagic contusions. Perusal of compromise Annexure P-2 indicates that there are no terms and conditions detailed in the compromise how respondent No.3 was suitably compensated. The report received from Learned Additional Sessions Judge, Ludhiana, indicates that statements were recorded in a stereo-typed manner, without making any probe regarding genuineness of compromise or its terms and conditions.

For the purpose of quashing of FIR and subsequent proceedings, on the basis of compromise, the Court is required to see



gravity of offence alongwith reasonable and genuineness of the compromise. Interest of injured has to be taken care of. Respondent No.3 injured was doing labour work with Avtar Singh respondent No.2/complainant who appeared in the Court and stated that he was given amount of Rs. 2,000/- per month in his account. Allegations against the petitioner are serious in nature. Such like compromises cannot be entertained. Ram Dulara @ Dulla Rai suffered serious head injury and offence is non-compoundable.

11. Considering the aforesaid factual position, I do not find it a fit case for quashing of FIR No.152 dated 28.09.2021 under Sections 307, 452, 323 and 325 IPC, Police Station Dakha District Ludhiana, and subsequent proceedings arising therefrom.

12. Consequently the petition is accordingly declined.

13. Pending miscellaneous application(s), if any, stand disposed of accordingly. Copy of this order be sent to the Court concerned.

(AMARJOT BHATTI)
JUDGE

27.08.2024
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- 1. Whether speaking/ reasoned : Yes /No
- 2. Whether reportable : Yes /No