

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.49716 of 2023
Date of decision: 7th March, 2024

Kasam & others

... Petitioners

Versus

State of Haryana & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mohammad Arshad, Advocate for the petitioners.

Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

Mr. Nasir Jamal, Advocate for respondents No.2 to 6.

MANJARI NEHRU KAUL, J.

1. The petitioners are seeking quashing of FIR No.599 dated 02.11.2015 under Sections 148, 149, 323, 341, 452, 506 IPC (Section 307 IPC added later on) registered at Police Station Punhana, District Nuh on the basis of compromise dated 13.07.2023.

2. Learned counsel for the petitioners inter alia submits that subsequent to the lodging of the FIR in question, with the intervention of respectables, the parties have ironed out all their differences and disputes, and decided to put to rest the instant case which is pending between them. In support, learned counsel has drawn the attention of this Court to the copy of the settlement deed dated 13.07.2023, annexed as Annexure P-2. It has been thus, urged that in the light of the compromise effected between the parties, continuation of the criminal

proceedings would be a futile exercise. It has also been submitted that initially petitioners No.9 to 13 were declared innocent and had been summoned as additional accused under Section 319 of the Cr.P.C. qua which a revision petition had been preferred before this Court and was pending consideration.

3. Learned counsel for the complainant/respondents No.2 to 6 has not disputed the submissions made by the counsel opposite qua the parties having arrived at an amicable settlement and has not even opposed the prayer made for quashing of the FIR in question on the basis of the compromise so effected between them.

4. Learned State counsel has however, vehemently opposed the prayer and submissions made by the learned counsel for the parties for quashing of the FIR in question on the basis of the compromise effected between them. She has submitted that the petitioners had inflicted multiple injuries on the person of the injured which also included injuries on his head, resulting in a brain hemorrhage. Learned State counsel has further submitted that the medical evidence on record corroborated the allegations leveled in the FIR in question. It has also been submitted that the complainant/injured, while stepping into the witness box, had reiterated the allegations leveled against the accused petitioners; pursuant thereto, an application under Section 319 of the Cr.P.C. was filed which was also allowed by the learned trial Court vide which petitioners No.9 to 13, who had been initially placed in column No.2, were summoned to face trial as additional accused.

Learned State counsel, in support of her submissions, has placed reliance on the decision rendered by Hon'ble the Supreme Court in **‘The State of Madhya Pradesh vs. Laxmi Narain & others’ 2019 (5) SCC 688.**

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

6. No doubt, in cases where the offences are private in nature and the parties have amicably resolved all their disputes, the Court should unhesitatingly go ahead and quash the FIR on the basis of a compromise effected between the parties. However, the inherent powers of this Court under Section 482 Cr.P.C. have to be exercised sparingly and with a great deal of caution and circumspection. Furthermore and most pertinently, offences attracting mischief of Section 307 of the IPC and the Arms Act, 1959 are deemed severe and heinous crimes which impact the society as a whole. Consequently, criminal proceedings related to offences under Section 307 IPC and/or the Arms Act, 1959, which have significant societal repercussions, cannot be quashed by invoking the inherent powers under Section 482 of the Cr.P.C. even if the parties have resolved their disputes privately. No doubt, in certain cases wherein a person has been charged under Section 307 of the IPC, FIR can still be quashed on the basis of a compromise, however such quashing of an FIR can be done by this Court under Section 482 Cr.P.C. only after evaluating the nature and severity of the injuries sustained by the injured, including whether

those injuries inflicted affect any vital body and also the type of weapons used.

7. Hon'ble the Supreme Court, in ‘**The State of Madhya Pradesh vs. Laxmi Narain**’ (ibid) 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;”

8. In **P. Dharamaraj Vs. Shanmugam and others : 2022 Live Law (SC) 749**, Hon'ble the Supreme Court has also 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.”

9. Coming to the case in hand, a perusal of the FIR (Annexure P-1) prima facie reveals that it was a premeditated attack carried out by all the accused including the petitioners; all the accused were armed with lethal weapons which included swords, fire arms etc. Furthermore, all the accused as per the allegations leveled, actively participated in the occurrence in question, injuring the complainant on his head, which

is a vital part of a person’s body. Though, the matter has been settled between the parties, however, keeping in view the various judicial pronouncements of Hon’ble the Apex Court, which have already been referred to in the earlier part of this order, this Court would not want to turn a blind eye to the gravity of offences as also the factum of there being specific allegations leveled against the petitioners; multiple injuries were inflicted by the petitioners on the person of the injured, which prima facie finds due corroboration with the medical evidence on record, particularly the injury inflicted on the head of the complainant, which was declared to be dangerous to life, inviting the mischief of Section 307 of the IPC. Hence, in the wake of the specific and serious allegations leveled against the petitioners, coupled with the injuries attributed to them, and the ratio of law laid down by Hon’ble the Supreme Court, this Court does not deem it fit to exercise its inherent jurisdiction under Section 482 Cr.P.C. to quash the FIR in question.

10. Dismissed.

11. 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

March 7, 2024
rps

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