



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

118

CRM-M-44029-2024

Date of decision: January 9th, 2025

Satpal and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jitender Nara, Advocate
for the petitioners.

MANJARI NEHRU KAUL, J.

The instant petition is for quashing of FIR No.200 dated 23.06.2019 under Sections 148, 149, 307 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Jhajjar, and the consequential proceedings arising out of the same, on the basis of compromise (Annexure P-2) arrived at, between the parties.

2. Learned counsel for the petitioners has submitted that the parties belong to the same village and have, through the intervention of respectables of their community, resolved their differences amicably. It is contended that the dispute arose from a personal and localised altercation over a plot of land, and the continuation of criminal proceedings would therefore serve no purpose in the light of the compromise annexed as Annexure P-2. While drawing the attention of this Court to the compromise and also the willingness of the complainant to withdraw the complaint, the petitioners have prayed for

quashing of the FIR, urging this Court to consider the amicable resolution as a sufficient basis for accepting their prayer.

3. Notice of motion.

4. Mr. Karan Sharma, Deputy Advocate General, Haryana, accepts notice on behalf of the State and Mr. Davinder Kaliraman, Advocate, has put in appearance on behalf of respondents No. to 4.

5. Learned State counsel has, however, vehemently opposed the prayer made by the counsel for the petitioners and has submitted that the allegations contained in the FIR are of a grave and heinous nature. It has been emphasized that a perusal of the FIR reveals that the petitioners, armed with firearms, fired upon the complainant and his family with the intent to kill. Specific reference has been made by the learned State counsel to the injury caused to the brother of the complainant, who sustained a bullet wound to the chest, a vital part of the body, reflecting the gravity of the offence.

6. Learned State counsel has argued that offences of such nature have far-reaching societal implications and cannot be treated as mere disputes between private parties. The learned State counsel has submitted that the inherent jurisdiction of this Court under Section 482 of the Cr.P.C./528 of the BNSS cannot be invoked to quash proceedings in cases involving heinous crimes merely because the parties have reached a compromise

7. Having carefully considered the submissions of the counsel for the petitioners as well as the counsel for the State, as well as the material on record, including the FIR in question annexed as Annexure P-1, this Court is of the view that the present petition seeking quashing of the FIR on the basis of compromise is bereft of any merit

for the reasons to follow:

(i) The FIR (Annexure P-1) *prima facie* discloses grave allegations. A perusal of the FIR reveals that there are specific allegations that the petitioners, armed with firearms, fired upon the complainant and his family members with the intent to kill, resulting in grievous injuries, including a chest injury to the brother of the complaint. As per the learned State counsel, there is medical corroboration to the allegations levelled in the FIR in question. Such allegations, if true, constitute an offence under Section 307 of the IPC/109 of the BNS, which is classified as a heinous offence.

(ii) The nature of the allegations levelled in the FIR-use of firearms, the intent to kill, and injuries caused to vital parts of the body-places the offence beyond the category of private or personal disputes. Crimes of such gravity are not just offences against the individual but also against the State and society at large.

(iii) Hon'ble the Supreme Court has, in multiple pronouncements, laid down the scope and limits of inherent jurisdiction of this Court under section 482 of the Cr.P.C./528 of the BNSS, with respect to quashing criminal proceedings based on a compromise. The relevant principles were comprehensively elucidated in *State of Madhya Pradesh Versus Lakshmi Narayan and others 2019 (5) SCC 688*, wherein Hon'ble the Apex court observed that in cases involving offences of a predominantly civil or private nature, such as disputes arising from commercial transactions, matrimonial issues, or family relationships, the Court may quash criminal proceedings on the basis of a compromise. However, Hon'ble the Apex Court emphasized that the power under Section 482 of the Cr.P.C. cannot be exercised in cases

involving heinous and serious offences, such as murder, rape, or dacoity, as these are offences against society.

(iv) Offences under Section 307 of the IPC, the Arms Act, and other similar provisions fall within the category of heinous crimes that have serious societal ramifications. Such offences cannot be quashed merely because the parties have reached a compromise.

(v) While Hon'ble the Supreme Court also emphasized that while the mere invocation of Section 307 of the IPC in an FIR does not automatically preclude quashing, the Court must evaluate the nature of the allegations, the evidence, and the injuries sustained to determine whether the ingredients of the offence are *prima facie* made out.

(vi) Adverting to the instant case, the allegations in the FIR *prima facie* disclose a clear intent to kill, as is evident by the use of firearms and the injury caused to the chest of the brother of the complainant. The injury to a vital part of the body, coupled with the nature of the weapons used, unequivocally points to the gravity of the offence.

(vii) The offence alleged is not merely a private dispute but one that has significant societal implications. The use of firearms in a public setting and the resultant injuries create a sense of insecurity and lawlessness, which cannot be condoned or trivialized through private settlements.

(viii) Further, Hon'ble the Supreme Court has repeatedly emphasized that offences under Section 307 of the IPC and the Arms Act cannot be treated as personal disputes amenable to compromise, as these offences are considered crimes against society. In light of the settled law, this Court has no hesitation to hold that the compromise

arrived at between the parties does not provide a valid basis for quashing the FIR in question.

(ix) The inherent powers of this Court under Section 482 of the Cr.P.C., though wide, are not unbridled. These powers must be exercised sparingly and with caution, especially in cases involving heinous offences. To allow the quashing of an FIR in the present case would set a dangerous precedent, undermining the rule of law and eroding public confidence in the criminal justice system.

8. In view of the foregoing discussion, and having regard to the binding precedents laid down by Hon’ble the Supreme Court, this Court finds no merit in the present petition. The allegations in the FIR, *prima facie*, disclose the commission of heinous offence with grave societal ramifications, making it inappropriate for this Court to invoke its inherent jurisdiction under Section 482 of the Cr.P.C./528 of the BNSS to quash the FIR on the basis of a compromise.

9. Accordingly, the instant petition stands dismissed.

10. 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.

January 9th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes