



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

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CRM-M-64042-2024

Date of decision: 22.01.2025

Harinder Singh and others

...Petitioners

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Narinder Mann, Advocate, for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the quashing of FIR No.83 dated 07.07.2022 (Annexure P-1) under Sections 307, 148, 149 of the IPC, (Section 452 and 120-B of the IPC added later on) and cross FIR registered on 16.07.2022 vide G.D.No.27 dated 16.07.2022 (Annexure P-2) under Sections 307, 352, 379-B, 427, 324, 148, 149, 341 of the IPC and Sections 25, 27, 54 and 59 of the Arms Act, registered at Police Station Sadar Gurdaspur along with all consequential proceedings arising therefrom on the grounds that a settlement dated 19.08.2022 (Annexure P-3) has been reached between the parties involved. It is contented that the continuation of criminal proceedings would serve no meaningful purpose, and thus, the FIR should be quashed.

2. Notice of motion.

3. At the asking of the Court, Mr.H.S.Deol, Sr.DAG, Punjab accepts notices notice on behalf of the respondent-State.



4. On the other hand, the learned State counsel has, on instructions, brought to the notice of this Court that only eight out of the twelve persons named in the FIR are parties to the present petition. While placing reliance upon the judgment rendered by a Division Bench of this Court in *Rakesh Das vs. State of Haryana, decided on 12.11.2024*, in *CRM-M48043-2023*, it has been argued that the instant petition is not maintainable, as the petitioners are seeking partial quashing of the FIR, which is impermissible.

5. In addition, when the counsel for the petitioners was questioned about the feasibility of quashing of an FIR for an offence under Section 307 of the IPC, especially when respondent No.3 had sustained bullet injuries, he pressed into service a decision rendered by a Co-ordinate Bench in *Manpreet Singh alias Manna and others vs. State of Punjab and others* decided on 30th of January 2023 in *CRM-M-37146-2022*.

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

7. No doubt, this Court possesses inherent powers under 482 of the Cr.P.C./528 of the BNSs to prevent abuse of the process of law and to secure the ends of justice. However, these powers must be exercised with caution and circumspection. The jurisprudence on quashing FIRs based on compromise is well settled:

- (i) in cases predominantly of a private nature, where disputes have been amicably resolved between the parties, the Court can proceed to quash the FIR;



(ii) Conversely, in cases involving grave and heinous offences, such as those under Section 307 of the IPC, quashing of criminal proceedings on the basis of a compromise is to be generally discouraged.

8. Hon'ble the Supreme Court in State of **Madhya Pradesh vs. Laxmi Narayan, (2019) 5 SCC 688** reaffirmed that in cases of non-compoundable offences, the Court can quash the FIR on the basis of compromise if it is convinced that the dispute between the parties is primarily of a civil nature, and the continuation of criminal proceedings would serve no useful purpose.

9. It would be relevant to reproduce the observations of the Hon'ble Supreme Court in **Lakshmi Narayan (supra)**:

“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:

15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involved 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;

15.3. Similarly, such power is not to be exercised for the offences under the special statutes 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;

15.4. 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/delicate 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 paras 29.6 and 29.7 of the decision of this Court in Narinder Singh [(2014) 6 SCC 466: (2014) 3 SCC (Cri) 54] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5. While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of noncompoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”



10. It would also be relevant to reproduce the observations made by Hon'ble the Supreme Court in the case of **Daxaben Vs. State of Gujarat, 2022 Live Law (SC) 642:**

“38. However, before exercising its power under Section 482 of the Cr.P.C. to quash an FIR, criminal complaint and/or criminal proceedings, the High Court, as observed above, has to be circumspect and have due regard to the nature and gravity of the offence. Heinous or serious crimes, which are not private in nature and have a serious impact on society cannot be quashed on the basis of a compromise between the offender and the complainant and/or the victim. Crimes like murder, rape, burglary, dacoity and 12 (1988) 1 SCC 692 13 (2007) 12 SCC 1 14 (1980) 2 SCC 471 15 (2021) 5 SCC 524 10 even abetment to commit suicide are neither private nor civil in nature. Such crimes are against the society. In no circumstances can prosecution be quashed on compromise, when the offence is serious and grave and falls within the ambit of crime against society.

39. Orders quashing FIRs and/or complaints relating to grave and serious offences only on basis of an agreement with the complainant, would set a dangerous precedent, where complaints would be lodged for oblique reasons, with a view to extract money from the accused. Furthermore, financially strong offenders would go scot free, even in cases of grave and serious offences such as murder, rape, brideburning, etc. by buying off informants/complainants and settling with them. This would render otiose provisions such as Sections 306, 498A, 304-B etc. incorporated in the IPC as a deterrent, with a specific social purpose. 4

0. In Criminal Jurisprudence, the position of the complainant is only that of the informant. Once an FIR and/or criminal complaint is lodged and a criminal case is started by the State, it becomes a matter between the State and the accused. The State has a duty to ensure that law and order is maintained in society. It is for the state to prosecute offenders. In case of grave and serious noncompoundable offences which impact society, the



informant and/or complainant only has the right of hearing, to the extent of ensuring that justice is done by conviction and punishment of the offender. An informant has no right in law to withdraw the complaint of a noncompoundable offence of a grave, serious and/or heinous nature, which impacts society.”

11. Further, advertent to the facts of the present case, it would also be pertinent to reproduce the allegations levelled in the FIR in question:

“Statement of Baljeet Singh son of Rattan Singh, resident of Noorpur, Police Station Sadar Gurdaspur, aged about 57 years. 9646113553. Stated that I am resident of the above mentioned address, have been posted as JE at Electricity Board, Jaura Chhattra. Today on 07.07.2022, I and Satpal Singh son of Gurbakhsh Singh, resident of Noorpur son of my paternal uncle, who has been posted as JE in Electricity Board, Jaura Chhattra. We both after having been relieved from the duty after boarding motorcycles had been coming on our respective our village to Noorpur, then as when we were 50 meters behind on the southern side from our village Noorpur, then it would be at about 05-30 PM, then Manjinder Singh son of Ranjit Singh, resident of Rangarh Nangal, who had been driving the vehicle bearing registration No. PB-10-EX-3940 make Honda City, in which Harinder Singh son of Surjit Singh, resident of Ladha Munda, Police Station Ghuman armed with revolver, Harjinder Singh son of Malook Singh, resident of Rangarh Nangal armed with datar, Harpreet Singh son of Ranjeet Singh, resident of Jatpur Sekhwan, Police Station Rangarh Nangal armed with baseball and the other car bearing registration No. PB-10-CX-6999 make 1-20 of white colour, to which Rajkaran son of Ranjit Singh, resident of Udhonangal, Police Station Mehta had been driving, along with whom Surjit Singh son of Kuldeep Singh, resident of Bharth, Police Station Sri Hargobindpur armed with datar, Gopi resident of Ladha Munda and one unknown person were boarding. Besides them two youth namely Lakhwinder Singh son of Jagga son of Ajit Singh, residents of Varsola armed with datar and two other unidentified youth were boarding on the motorcycles came behind us. While raising lalkaras after getting down from their cars and motorcycles said that teach a lesson to their son Sanamdeep Singh for



committing dispute with Lakhwinder Singh party, resident of Varsola, then in the meanwhile above mentioned Harinder Singh made fire shots with his revolver on me and Satpal Singh son of my paternal uncle, resident of Noorpur with the intention to commit out murder and on the side of the road, I fell down in the field and one bullet of fire hit on the right side of the chest of Satpal Singh son of my paternal uncle and the other bullet hit in the muscle of right arm, Satpal Singh fell down on the ground and the village people also came after having been gathered upon hearing the sound of fire and out of the above mentioned youths, people apprehended Harinder Singh along with revolver and Manjinder Singh, Harjinder Singh, Harpreet Singh, Surjit Singh, Rajkaran Singh along with two cars and motorcycle at the spot and the mob gathered inflicted injuries to these youth, out of whom Lakhwinder Singh, Jagga son of Ajit Singh, residents of Varsola, Gopi, resident of Ladha Munda and two other unknown youth succeeded in fleeing away. I after making arrangement of a conveyance had been taking injured Satpal Singh to Civil Hospital, Gurdaspur, then in the way, the son of my paternal aunt (Bhua) namely Bhupinder Singh son of Balkar Singh, resident of Noorpur met, after having been accompanied with him, got admitted at Civil Hospital, Babbari. On account of having more serious condition of Satpal Singh, the doctor had referred him to Amritsar, to whom I with the consent of my family got admitted at Deol Super Speciality Hospital, Nabipur Road, Gurdaspur, where injured Satpal is under treatment. The gathered mob caused damages to the cars and motorcycles. I am responsible. Action may be taken. Sd/- Baljeet Singh”

12. An examination of the FIR reveals serious allegations against the petitioners, including indiscriminate and reckless firing, resulting in bullet injuries to respondent No.3-Satnam Singh. The gravity of these allegations, particularly under Section 307 IPC, precludes the petitioners from obtaining relief based on a compromise.

13. Although the learned counsel for the petitioners has relied upon the decision in *Manpreet Singh (supra)*, a perusal of that judgment indicates that the Co-ordinate Bench considered the relevant precedents of



the Honourable Supreme Court including *Lakshmi Narayan (supra)*, wherein it was categorically observed that heinous offences under Section 307 of the IPC cannot be quashed on the basis of compromise. The FIR in *Manpreet Singh (supra)* was quashed due to the peculiar facts and circumstances of that case, without disputing the settled legal position. Therefore, the reliance on *Manpreet Singh (supra)*, does not advance the case of the petitioners. In addition to the afore-mentioned, since the petitioners are seeking partial quashing of the FIR, it cannot be permitted in view of the settled ratio of law laid down by a Division Bench of this Court in *Rakesh Das (supra)*.

14. Given the *prima facie* nature of allegations and the settled law governing the quashing of FIRs in cases involving heinous offences, this Court finds no merit in the present petition.

15. Accordingly, the instant petition is hereby dismissed. 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 22, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	Yes