



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

**CRM-M-20256-2025
Date of decision: 21.04.2025**

GAURAV

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Surender Saini, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.431 dated 19.07.2024 under Sections 109(1), 238(a) BNS, 2023 (Section 118(1) of BNS, 2023 deleted later on) registered at Police Station Kundli, District Sonipat (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 28.03.2025 (Annexure P-3).

2. Brief facts of the case, as set up by the prosecution, are that on 13.07.2024, the petitioner came into the room of the complainant/respondent No.2 and his friend, holding vegetable knife in his hand. He tried to cut his own hand but when the complainant/respondent No.2 tried to stop him, he gave a blow on his neck and his hand was also got injured with the knife. Hence, the FIR (*supra*) was registered. As per the MLR, in the opinion of doctor, "injury No.2 was sharp and dangerous to life, as if team of surgeons



did not stitch layer by layer, the person would be dead due to bleeding from vital structures.”

3. Learned counsel for the petitioner, *inter alia*, contends that the occurrence had taken place at the spur of the moment. He submits that petitioner and respondent No.2 are drivers and working together in the same company and both of them are friends. He further submits that with the intervention of respectable, the matter has been amicably resolved between the parties and a written compromise was effected on 28.03.2025, which is annexed as Annexure P-3. Furthermore, the injury was not fatal to the life of the complainant/respondent and the trial of the case is at the initial stage. Additionally, the respondent No.2 has no objection with regard to quashing of FIR(*supra*) as mentioned in the compromise deed.

4. Mr. Nikhil Saini, Advocate has put in appearance on behalf of respondent No.2 and filed his *vakalatnama* which is taken on record. Registry is directed to tag the same at the appropriate place. He admits to the factum of compromise.

5. Learned State counsel opposes the prayer of the petitioner and submits that as per the MLR of respondent No.2-complainant, injury No.2 was given with a sharp weapon and was dangerous to life, which falls in the ambit of Section 109(1) of BNS, 2023 (*erstwhile Section 307 IPC*) that is not compoundable in nature.

6. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

7. As per observations made by the Hon'ble Supreme Court in *State of Madhya Pradesh Vs. Laxmi Narayan and others, (2019) 5 SCC 688*, it would be open for this Court to examine whether incorporation of Section 307



of IPC is there for the sake of it or whether factual ingredients breaching the threshold of Section 307 of IPC are *prima facie* available or not. This Court is required to examine the nature and extent of injuries, seat of injuries and nature of weapon used in inflicting the injuries. In this regard, the Hon'ble Supreme Court in *Naushey Ali v. State of Uttar Pradesh*, passed in **CRA-660-2025**, decided on 11.02.2025, speaking through Justice K.V. Viswanathan, has observed as under :

“Coming back to Laxmi Narayan (supra), this Court has held that mere mention of Section 307 IPC in the FIR or the charge-sheet should not be the basis for adopting a hands-off approach. It has further held that it would be open for the court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or whether there is evidence to back it. It has been held that the courts may go by the nature of injuries sustained; as to whether the injuries are inflicted on the vital/ delicate parts of the body and the nature of weapon used. It has also been clarified that such an exercise would be permissible after investigation and filing of chargesheet/framing of charges or during the trial.”

8. This Court is of the considered opinion that the offence under Section 307 IPC is not just an offence against an individual but due to its very nature, it is serious crime committed against society. Now advertent to factual matrix of the present case, petitioner inflicted injury on the neck of the complainant with a knife. As such, it is difficult to hold that *prima facie*, offence under Section 307 of IPC is not made out. Such an act shows a complete disregard for human life and poses a grave danger to public safety. Even though the parties have reached a compromise, the gravity of the offence cannot be ignored. Allowing the FIR(*supra*) to be quashed in such cases would not only set a dangerous precedent, undermining the justice system but



also send a wrong message to society. Hence, this Court finds no justification to quash the FIR (*supra*).

9. In view of the discussion above, present petition is dismissed.

10. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

April 21, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |