

CRM No. M-28668 of 2017

1

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

**CRM No. M-28668 of 2017
Date of Decision : 15.01.2018**

Satvir Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikrampreet Arora, Advocate for the petitioners.

**Mr. Abhaypal Singh Gill,
Assistant Advocate General, Punjab.**

**Mr. Maninder Arora, Advocate
for respondent No. 2.**

Arvind Singh Sangwan, J.(Oral)

Prayer in this petition is for quashing of FIR No. 196 dated 02.11.2013, under Sections 323, 324, 34 IPC (Section 307 IPC added later on), registered at Police Station Samrala, District Ludhiana (Annexure P-1) and all other subsequent proceedings arising therefrom, on the basis of compromise dated 25.07.2017 (Annexure P-2).

Vide order dated 08.08.2017, the parties were directed to appear before the trial Court for recording of their respective statements with regard to compromise and the trial Court was directed to submit a report, if the compromise is genuine, voluntary and without any coercion or undue influence and if any of the accused person is a proclaimed offender or not.

The trial Court has submitted its report dated 13.11.2017 that complainant Jaspreet Singh @ Jassa and accused Satveer

Singh, Paramvir Singh and Karnail Singh have compromised the matter and they have made a statement on 05.09.2017 that they have effected a compromise with the intervention of respectables without any pressure and their consent is voluntarily. The trial Court has further reported that none of the accused is involved in any other case or is convicted and they are not proclaimed offenders and there is no legal impediment if the FIR is quashed.

Learned counsel for the petitioners submits that while granting bail to the petitioner-Satvir Singh vide order dated 15.07.2014 passed in CRM No. M-731 of 2014, titled as ***Satvir Singh Vs. State of Punjab***, this Court has observed on the instructions of the learned State counsel that there is no medical report/opinion of the Doctor on the basis of which the alleged injury suffered by the complainant Jaspreet Singh @ Jass on his forehead was opined to be dangerous to life. It is, thus, submitted on behalf of the petitioners that the offence under Section 307 IPC is not made out and it is a case falling under Section 324 IPC.

Learned State counsel on instructions from HC Balwinder Singh has again reiterated the fact that there is no opinion of the Doctor that the injury sustained by complainant Jaspreet Singh @ Jassa was declared dangerous to life.

Since the parties have amicably settled their dispute and have decided to live in peace as they are residents of the same village, no useful purpose would be served in allowing the criminal proceedings to continue.

As per the Full Bench judgment of this Court in ***Kulwinder Singh and others Vs. State of Punjab***, 2007(3) RCR

(Criminal) 1052, wherein it is held that High Court has empowered under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution, where the High Court observe that the same was required to prevent the abuse of the process of any court or to otherwise secure the ends of justice.

Since the parties have compromised the matter and the trial Court has submitted a report expressing its satisfaction that the compromise is valid, voluntarily and without any pressure and also in view of the fact that there is no medical opinion that the injury sustained by complainant Jaspreet Singh @ Jassa was declared dangerous to life, offence under Section 307 IPC is not made out.

Accordingly, the present petition is allowed. FIR No. 196 dated 02.11.2013, under Sections 323, 324, 34 IPC (Section 307 IPC added later on), registered at Police Station Samrala, District Ludhiana along with all consequential proceedings arising therefrom, are ordered to be quashed qua the petitioners only.

January 15, 2018.
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No