

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

CRM-M-42972-2014(O&M)

Date of decision: 09.10.2017

Mahesh Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Akshay Jindal, Advocate
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Ram Kumar Saini, Advocate
for respondents No. 2 to 5.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of FIR No.537, dated 17.07.2013, under Sections 148, 149, 323, 285, 325, 307, 120-B, 506 IPC and Section 25, 54, 59 of Arms Act, registered at Police Station Sadar Karnal on the basis of compromise (Annexure P-2).

Vide order dated 23.04.2015, the parties were directed to appear before the trial Court for recording of their respective statements with regard to compromise.

In pursuance thereof, the trial Court has submitted a report dated 08.05.2015 (forwarded by District and Sessions Judge, Karnal on 29.04.2015), after recording the statements of the parties that Rajesh Kumar (complainant/injured), Sandeep, Amit Luthra and Sushil @ Sunil Rana (injured) as well as all the six accused, namely, Mahesh, Ramesh Kumar, Balinder Singh, Virender Singh, Prem Chand and Raju have appeared along with their respective counsel, who had identified them and got their

statements recorded by the trial Court on 29.04.2015. As per this report, while submitting a report under Section 173 Cr.P.C. one person, namely, Raju son of Prem Singh was kept in column No.2 and challan was not submitted against him. However, he was, later on, summoned under Section 319 Cr.P.C. and thus, all the six petitioners/accused are facing trial. One more person, namely, Rakesh Kumar son of Pala Ram was found innocent during the investigation and no challan was presented against him. The trial Court further stated in the report that the compromise Ex.C-1 effected between the parties is voluntarily, without any pressure and none of the accused person is declared as a proclaimed offender.

A persual of the statement of the parties further reveal that dispute occurred between them with regard to sale and purchase of plot and the accused parties have already paid full and final payment of the said plot to the complainants and only thereafter, the compromise Ex.C-1 has been effected.

Learned State counsel, on instructions from ASI Jai Narayan, has referred to the opinion of doctor dated 19.07.2013 regarding the injuries sustained by injured Sunil Rana, wherein, the medical Officer has opined that the patient was referred to PGI Rohtak for further management and hence, the nature of injury is dangerous to life. Learned State counsel, on instructions has further stated that there is no such further opinion from PGI certifying that this injury was dangerous to life and in fact, no reason has been given except that since the patient was referred to PGI for further management, the injury is dangerous to life and accordingly, it is submitted by learned counsel for the petitioner that the offence under Section 307 IPC is not made out in this case.

As per the Full Bench judgment of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt that the same was required to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court of India in "***Gian Singh vs State of Punjab and another***", ***2012(4) R.C.R. (Criminal) 543*** and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

The Apex Court in ***Narinder Singh and others vs. State of Punjab and another*** 2014(2) RCR(Criminal) 482 has laid down certain guidelines/parameters wherein even for offence under Section 307 IPC, this Court in exercise of its power under Section 482 Cr.P.C. can take cognizance of a compromise wherein such compromise has been effected at the very initial stage.

This Court in ***Manjit Singh and others vs. State of Punjab and others*** 2017(2)RCR(Criminal) 311 has held that even though the complainant is stated to have suffered a grievous injury on his head on

account of a gandasi blow and which in turn has attracted offence under Section 336 as well as 307 IPC yet in view of the settlement arrived at between the parties, FIR can be quashed.

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, the present petition is allowed. FIR No.537, dated 17.07.2013, under Sections 148, 149, 323, 285, 325, 307, 120-B, 506 IPC and Section 25, 54, 59 of Arms Act, registered at Police Station Sadar Karnal along with all the consequential proceedings, arising therefrom, is ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

09.10.2017
Hemlata

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