

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

CRM-M-1320-2018

Date of decision:- 06.03.2018

Gurlal Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. B.S. Sra, Advocate
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab.

Ms. Ruchi Sekhri, Advocate
for respondents No.2 and 3.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition is filed praying for quashing FIR No.57 dated 03.11.2017, under Sections 323, 324, 326, 503 and 34 IPC, registered at Police Station Ghaniye Ke Bangar, Batala, District Gurdaspur, on the basis of compromise entered into between the parties.

2. Heard.

3. Both the parties were directed by this Court vide order dated 15.01.2018 to appear before the learned trial Court/Illaq Magistrate and get their statements recorded and in pursuance thereof, learned Judicial Magistrate 1st Class, Batala, recorded the statements of both the parties

and submitted a report dated 23.02.2018. Statements of complainant-respondent No.2 and injured-respondent No.3 read as under: -

“Statement of complainant Ajmer Singh son of Ajit Singh, aged about 46 years resident of village Dabanwal Khurd, Ghaine Ke Bangar, Batala, District Gurdaspur.

Stated that the present FIR bearing no.57 dated 03.11.2017 under section 323/324/326/503/34 IPC, Police Station Ghaniye Ke Banger, Batala was registered against the accused persons namely Gurlal Singh, Guriqbal Singh and Ravinderjit Singh @ Ravinder Singh @ Hira Singh on my statement. Now I have compromised the matter with above named accused persons with the intervention of the respectables vide compromise deed, which is attached with petition filed before Hon'ble High Court. I have no objection if FIR bearing no.57 dated 03.11.2017 under section 323/324/326/503/34 IPC, Police Station Ghaniye Ke Banger, Batala, be quashed qua the above said persons. I have given my statement with my free will and without any coercion and any pressure. Copy of my identity card is Ex.C1. Further, compromise effected between me and accused persons is not having any adverse effect on the rights of any third party. I have not been declared proclaimed person/offender by any court of law.

Statement of injured/respondent no.3 namely Kirpal Singh son of Ajit Singh, aged about 60 years resident of village Dabanwal Khurd, Ghaine Ke Bangar, Tehsil Batala, District Gurdaspur.

Stated that the present FIR bearing no.57 dated 03.11.2017 under section 323/324/326/503/34 IPC, Police Station Ghaniye Ke Banger, Batala was registered against the accused persons namely Gurlal Singh, Guriqbal Singh and Ravinderjit Singh @ Ravinder Singh @ Hira Singh on the statement of complainant Ajmer Singh and I had also suffered injuries in the incident in which the present FIR was registered. Now, I have compromised the matter with above named accused persons with the intervention of the respectables vide compromise deed, which is attached with petition filed before Hon'ble High Court. I have no objection if FIR bearing no.57 dated 03.11.2017 under section 323/324/326/503/34 IPC, Police Station Ghaniye Ke Banger, Batala, be quashed qua the above said accused persons. I have given my statement with my free will and without any coercion and any pressure. Copy of my identity card is Ex.C2. Further, compromise effected between me and accused persons is not having any adverse effect on the rights of any third party. I have not been declared proclaimed person/offender by any court of law.”

A perusal of the report also reveals that the compromise entered into between the parties is genuine, without any pressure or

coercion and relevant part reads as under: -

“i. It is submitted that the present FIR was registered against three persons namely Gurlal Singh, Guriqbal Singh and Ravinderjit Singh @ Ravinder Singh @ Hira Singh. Challan in the present FIR has not been presented till date.

ii) It is further submitted that none of the accused has been declared proclaimed person in the present FIR.

iii. In view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure or coercion.”

Even as on today the parties are not disputing the factum of compromise arrived at between them.

4. It has been pointed out by learned State counsel that although Section 326 IPC was added later on in the present case, but the injury is alleged on the right leg and that is not on the vital part of the body. On a specific query put to him, he states that he has no objection with regard to quashing of the FIR as well as all other consequential proceedings on the basis of the compromise effected between the parties in the present matter.

5. Hon'ble Supreme Court in case titled as **Yogendra Yadav and others Vs. State of Jharkhand and another**, 2014(9) SCC 653 has held as under:-

“4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC which are non-compoundable? Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (Gian Singh v. State of Punjab). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise

its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.”

6. In view of the above, this Court is fully convinced that the offences are entirely personal in nature and did not affect any public peace or tranquility and thus quashing of FIR No.57 dated 03.11.2017 along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice.

7. Accordingly, the impugned FIR and all consequential proceedings resulting therefrom, qua petitioners, are hereby quashed.

8. Petition is allowed.

(MAHABIR SINGH SINDHU)
JUDGE

March 06, 2018
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Whether reportable?	Yes
Whether reasoned/speaking?	Yes