

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

Decided on: 04.10.2018

1. CRM-M No.19492 of 2017

Judge Singh @ Judgebir Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

2. CRM-M No.17573 of 2017

Harmeet Singh @ Hira and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. H.S. Batth, Advocate
for the petitioners (in CRM-M-19492-2017)
and for respondent No.2 (in CRM-M-17573-2017)

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. J.S. Dhaliwal, Advocate
for respondent No.2 (in CRM-M-19492-2017)
and for the petitioners (in CRM-M-17573-2017)

ARVIND SINGH SANGWAN, J. (Oral)

By way of this order, I shall dispose of aforesaid petitions as they emerged from FIR No.20 dated 20.03.2017, registered under Sections 307, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC'), 25, 27, 54, 59 of the Arms Act and DDR No.26 dated 21.03.2017 registered under Sections 307, 148, 149, 427 IPC, 25 and 27 of the Arms Act filed in FIR No.20 dated 20.03.2017 registered at Police

Station Valtoha, District Tarn Taran, being version and cross-version.

In both the cases, vide order dated 24.08.2017, the trial Court was directed to record the statements of the parties and send its report with regard to genuineness of the compromise effected between the parties.

In pursuance to the said order, the trial Court after recording the statements of the parties, has reported on 13.09.2017 that the parties have appeared through their respective counsels representing them in the trial Court and that the compromise effected between the parties was voluntarily and without any coercion, pressure.

Counsel for the petitioners submits that no other criminal case is pending between the parties and none of the petitioner has been declared as proclaimed offender. It is further submitted that offence punishable under Section 307 IPC is not made out against the petitioners.

This fact is not disputed by counsel for the State, on instructions from ASI Iqbal Singh. It is further submitted that no medical opinion has been taken as to whether the injury was dangerous to life or not.

I have heard counsel for the parties, perused the paperbook and the report submitted by the trial Court.

As per the Full Bench judgment of this Court in ***“Kulwinder Singh and others vs. State of Punjab”***, 2007 (3) RCR (Criminal) 1052, it is held that 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 feel that the same was

required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

From the perusal of the statement of the parties as well as the paperbook, no medical opinion is available on record to show that the injury was declared dangerous to life and, therefore, the offence under *Section 307 IPC is not made out* against the petitioners.

Perusal of the 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 if the criminal proceedings are put to an end.

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.

In view of the above, the petitions are allowed. FIR No.20 dated 20.03.2017, registered under Sections 307, 148, 149 IPC, 25, 27, 54, 59 of the Arms Act and DDR No.26 dated 21.03.2017 registered under Sections 307, 148, 149, 427 IPC, 25 and 27 of the Arms Act filed in FIR No.20 dated 20.03.2017 registered at Police Station Valtaha,

District Tarn Taran, along with all the consequential proceedings, arising therefrom, are ordered to be quashed subject to payment of costs of Rs.3,000/- each (in both the petitions) to be deposited with the District Legal Services Authority, Tarn Taran.

(ARVIND SINGH SANGWAN)
JUDGE

04.10.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No