

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) CRM-M-28200-2017

Paramjit Singh alias MintuPetitioner(s)

Versus

State of Punjab and anotherRespondent(s)

(2) CRM-M-28194-2017

Narinderpal SinghPetitioner(s)

Versus

State of Punjab and anotherRespondent(s)

Date of decision: -23.01.2018

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. K.S. Lakhanpal, Advocate
for the petitioner in **CRM-M-28200-2017** and
for respondent No.2 in **CRM-M-28194-2017**.

Ms. Amandeep Sibia, Advocate
for the petitioner in **CRM-M-28194-2017** and
for respondent No.2 in **CRM-M-28200-2017** .

Mr. Harbir Sandhu, AAG, Punjab
for respondent No.1 in both cases.

MAHABIR SINGH SINDHU, J. (ORAL)

As identical questions of law and facts are involved,
therefore, I propose to decide the above mentioned petitions, arising out
of the same incident/cross-case/FIR, by means of this common judgment,
in order to avoid the repetition.

2. Initially, in the wake of complaint of complainant Narinderpal Singh son of Bakhtor Singh-respondent No.2 (for brevity "the complainant in 1st case"), a criminal case was registered against the petitioner-accused (in 1st case), vide FIR No.185 dated 20.10.2012, under Sections 307, 336, 341, 148, 149 IPC and Sections 25 & 27 of the Arms Act, registered at Police Station Sadar Khanna, District Ludhiana.

3. Likewise, in pursuance of separate statement of complainant Amnish Kumar son of Krishan Kumar-respondent No.2 (for short 'the complainant in 2nd case'), a criminal cross-case was also registered against petitioner-accused (in 2nd case), vide DDR No.24 dated 22.10.2012, under Sections 307, 336, 341, 148, 149 and Sections 25 & 27 of the Arms Act, recorded in above-said FIR No.185 dated 20.10.2012.

4. Heard.

5. Both the parties were directed by this Court, vide orders dated 03.08.2017 to appear before the learned trial Court and get their statements recorded and in pursuance thereof, learned Judicial Magistrate 1st Class, Khanna, recorded the statements of both the parties and submitted a report dated 06.09.2017. A perusal of the report reveals that the compromise entered into between the parties is genuine.

6. Having regard to the contentions of learned counsel for the parties and the fact that the occurrence relating to cross fight on both sides, who have ultimately settled their disputes with the intervention and the compromise shall give an opportunity to them to live peacefully in future as well. Although there is Section 307 IPC in this case, but there is no injury case as that was the fire shot in the air. Therefore, prima facie,

offence under Section 307 IPC is not made out. Hence, it would be in the interest and justice that parties are allowed to compromise the matter as continuance of the prosecution would be an exercise in futility. Even before this Court also, none of the parties has raised any objection against the quashing of the FIR/cross-case in question.

7. Learned State counsel, on instructions from HC Mahinder Singh, states that the cancellation report has already been submitted in this case. On a specific query put to him, he states that he has no objection with regard to quashing of the FIR/cross-case as well as all other consequential proceedings on the basis of the compromise effected between the parties in this case.

8. 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.”

9. In view of above, the impugned FIR and its cross-version and all consequent proceedings resulting therefrom are hereby quashed.
10. Petitions are allowed.

January 23, 2018
naresh.k

(MAHABIR SINGH SINDHU)
JUDGE

Whether reportable?	Yes
Whether reasoned/speaking?	Yes