

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

CRM-M-39246-2017

Date of Decision: 06.03.2018

Sehajpreet Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. JPS Smagh, Advocate,
for the petitioners.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. J.S. Gill, Advocate,
for respondent No.2.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioners, who are accused in F.I.R. No.253, dated 10.09.2017, under Sections 365 and 34 of the Indian Penal Code and 25, 54 and 59 of the Arms Act, registered at Police Station Sadar Ferozepur, District Ferozepur, (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings on the basis of compromise.

[2]. With the intervention of respectables and elderly people of the society, the complainant has arrived at a settlement with the accused vide Compromise (Annexure P-2), which is duly signed by him. The matter was referred to the Court below for recording of statements of the parties and to

report with respect to genuineness of the compromise arrived at between the parties. The Additional Chief_Judicial Magistrate, Ferozepur, vide report dated 02.12.2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Respondent No. 2 is represented by his Counsel and he does not oppose the compromise.

[4]. Ld. State Counsel has opposed the application by relying upon the decision of the Supreme Court in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others*** wherein it was observed *inter alia*:-

“(vi) In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences;”

Ofcourse in the preceding observation, the Supreme Court had also noted:-

“(v) The decision as to whether a complaint or First Information Report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated;”

[5]. The offences involved in the present case certainly do not come near those specified in the relevant observation of the Apex Court in

item (vi) as noted above namely, murder, rape and dacoity. On the other hand, in the present case one of the offenders admittedly happens to be a minor, and it has turned out that on account of a dispute he had with the victim who himself was a minor being aged 16 years at the relevant time, had forcibly taken away the said victim with the help of his father. But thereafter the dispute was resolved and admittedly no actual shot was fired from the pistol which was used to intimidate and force the victim to go with the petitioners/accused persons.

[6]. In view of the report of the the Additional Chief Judicial Magistrate, Ferozepur, and in view of the decision of the Hon'ble Supreme Court in "Gian Singh Vs. State of Punjab and another", 2012(4) RCR (Criminal) 543 and "Narinder Singh and Others Vs. State of Punjab and Another", (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners/ accused persons.

[7]. In the circumstances, the present petition is allowed. F.I.R. No.253, dated 10.09.2017, under Sections 365 and 34 of the Indian Penal Code and 25, 54 and 59 of the Arms Act, registered at Police Station Sadar Ferozepur, District Ferozepur, (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioners.

06.03.2018

Divyanshi

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No