

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

**Date of decision: February 14, 2018**

**1. CRM-M- 42547 of 2015 (O&M)**

Balraj Singh & Ors.

.....Petitioners

Versus

State of Punjab & Ors.

.....Respondents

**2. CRM-M- 42620 of 2015 (O&M)**

Davinder Singh & Ors.

.....Petitioners

Versus

State of Punjab & Ors.

.....Respondents

**CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Vikas Bishnoi, Advocate, for the petitioners.

Mr. Sumit Jain, Advocate, for the  
respondent Nos. 2 to 6.

Mr. A.S. Dhaliwal, DAG, Punjab.

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**MAHABIR SINGH SINDHU, J. (ORAL)**

This order will dispose of Crl. Misc. M – 42547 of 2015 and  
Crl. Misc. M – 42620 of 2015, as both these cases arise out of FIR No. 60  
dated 24.05.2009 under Sections 307, 336, 323, 506, 148, 149 IPC and 25  
of the Arms Act registered at Police Station Dehlon, District Ludhiana, as

well as cross-case i.e. DDR No.20 dated 24.05.2009 under Sections 452, 323, 506, 148, 149 IPC, respectively, arising out of the same occurrence between both the parties.

2. Both the above said petitions have been filed praying to quash the FIR and cross-case on the basis of compromise entered into between the parties (P-3).

3. Learned counsel for both the parties have submitted that although in case FIR No. 60, dated 24.05.2009 there is a gun shot injury on the leg of injured Baljeet, but that would not attract the provisions of Section 307 IPC, as there was no intention to cause death. The above said contention and factual position is duly acknowledged by learned State counsel on instructions from HC Balwinder Singh.

4. Both the parties were directed by this Court vide order dated 26.02.2016 to appear before the learned trial Court and get their statements recorded and in pursuance thereof, learned Additional District and Sessions Judge, Ludhiana, recorded the statements of both the parties and submitted a report dated 17.03.2016. A perusal of the report reveals that the compromise entered into between the parties is voluntary and without any fear, coercion, inducement or threat. Even as on today the parties are not disputing the factum of compromise arrived at between them.

5. No objection has been raised by the learned State counsel on a specific query put to him by the Court 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 this case.

6. 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.”*

7. 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. 60 dated 24.05.2009 under Sections 307, 336, 323, 506, 148, 149 IPC and 25 of the Arms Act registered at Police Station Dehlon, District Ludhiana, along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice, particularly, in view of the fact that the cross cases pending against both the parties, i.e. FIR as well as the DDR, both are sought to be quashed on the basis of compromise to bury the hatchet.

8. In view of above, the impugned FIR version and all consequent proceedings resulting therefrom are hereby quashed qua petitioner(s).

8. Petitions are allowed.

**( MAHABIR SINGH SINDHU )**  
**JUDGE**

**February 14, 2018**  
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| 1. | Whether reportable?          | Yes / No |
| 2. | Whether reasoned / speaking? | Yes / No |