

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Decided on: 09.10.2018

1. CRM-M No.6372 of 2017

Yogesh and others

....Petitioners

Versus

State of Haryana and another

....Respondents

2. CRM-M No.6483 of 2017

Chanderpal and others

....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vijay Singh, Advocate
for the petitioners (in CRM-M-6372-2017)
and for respondent No.2 (in CRM-M-6483-2017)

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Rakesh Nehra, Advocate
for respondent No.2 (in CRM-M-6372-2017)
and for the petitioners (in CRM-M-6483-2017)

ARVIND SINGH SANGWAN, J.

By way of this order, I shall dispose of the aforesaid petitions as common questions of law and facts are involved for adjudication.

Prayer in ***CRM-M No.6372 of 2017*** is for quashing of FIR No.681 dated 26.11.2016 registered under Sections 307 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') and 25 of the

Arms Act at Police Station City Bahadurgarh, District Jhajjar whereas prayer in **CRM-M No.6483 of 2017** is for quashing of FIR No.679 dated 26.11.2016 registered under Sections 307 read with Section 34 IPC and 25 of the Arms Act at the same Police Station, being version and cross-version.

In both the cases, vide order dated 25.10.2017, 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 30.04.2018 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 no one was injured in the incident occurred on 26.11.2016.

Counsel for the petitioners has also argued that offence punishable under Section 307 IPC is not made out against the petitioners as no medical opinion has been taken as to whether the injury was declared dangerous to life or not.

The aforesaid facts are not disputed by counsel for the State, on instructions from ASI Satyawan.

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 punishable 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.681 dated 26.11.2016 registered under Sections 307 read with Section 34 IPC and 25 of the Arms Act at Police Station City Bahadurgarh, District Jhajjar and FIR No.679 dated 26.11.2016 registered under Sections 307 read with Section 34 IPC and 25 of the Arms Act at the same Police Station, 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, Jhajjar.

(ARVIND SINGH SANGWAN)
JUDGE

09.10.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No