

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

CRM-M-7669 of 2018

Date of Decision: May 11,2018

Tehal Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.J.S.Thind,Advocate for the petitioners.
Mr.Abhey Pal Singh,Assistant Advocate General Punjab
Ms.Jaideep Kaur,Advocate for respondents No.2

ARVIND SINGH SANGWAN, J.

Petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 69 dated 20.9.2011, under Sections 307, 447, 511, 427, 148 and 149 of the Indian Penal Code, 1860 ('IPC' for short) and Section 25 of the Arms Act, 1959 (the 'Act' for short) registered at Police Station B Division, District Amritsar City (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 16.2.2018 (Annexure P2).

Vide order dated 23.2.2018, a direction was given to the Ilqa Magistrate/trial Court to record the statements of the parties and submit a report regarding the genuineness of the compromise effected between the parties.

In pursuance thereof, the trial Court has submitted a report

dated 3.4.2018 (forwarded by District and Sessions Judge, Amritsar on 11.4.2018), after recording the statements of the parties, that the complainant-Manpreet Singh and accused-Tehal Singh, Jatinder Singh , Ranbir Singh @ Rana and Yudhvir Singh have appeared along with their respective counsel, who had identified them and got their statements recorded acknowledging that the compromise had been effected voluntarily, without any coercion or any undue influence and no proclamation proceedings are pending against the accused. This fact is not disputed by learned State Counsel, who has submitted, on instructions from Sub Inspector-Amarjit Singh that the petitioners are not the proclaimed offenders. .

Learned State counsel, on instructions from SI Amarjit Singh has submitted that the offence under Section 307 is not made out as no one was hit, from the gun fire shot.

As per the Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, 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 felt that the same was required to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Perusal of 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 that criminal proceedings are put to an end.

The Apex Court in **Narinder Singh and others vs. State of Punjab and another** 2014(2) RCR(Criminal) 482 has laid down certain guidelines/parameters wherein even for offence under Section 307 IPC, this Court in exercise of its power under Section 482 Cr.P.C. can take cognizance of a compromise wherein such compromise has been effected at the very initial stage.

This Court in **Manjit Singh and others vs. State of Punjab and others** 2017(2)RCR(Criminal) 311 has held that even though the complainant is stated to have suffered a grievous injury on his head on account of a gandasi blow and which in turn has attracted offence under Section 336 as well as 307 IPC yet in view of the settlement arrived at between the parties, FIR can be quashed.

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.

Accordingly, this petition is allowed. FIR No. 69 dated 20.9.2011, under Sections 307, 447, 511, 427, 148 and 149 IPC and Section 25 of the Act registered at Police Station B Division, District Amritsar City (Annexure P1) and all the consequential proceedings, arising

therefrom, are ordered to be quashed qua the petitioners subject to payment of costs in the sum of ₹ 3000/- to be deposited in the Office of District Legal Services Authority, Amritsar within 8 weeks from today, failing which this order shall stand recalled automatically without reference to the Court. .

(ARVIND SINGH SANGWAN)
JUDGE

May 11, 2017
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No