

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

268

Date of decision: 08.08.2019

1. CRM-M-47195 of 2018 (O&M)

Davinder Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

2. CRM-M-7117 of 2019 (O&M)

Balbir Singh Dhanoa and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None.

ANIL KSHETARPAL, J. (ORAL)

By this order, two petitions bearing CRM-M-47195 of 2018 and CRM-M-7117 of 2019 shall stand disposed of.

Petitioners have approached this Court by way of petition(s) under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking its inherent jurisdiction for quashing of FIR No.198 dated 24.06.2004 under Sections 307, 336, 326, 420, 120-B, 148, 149, IPC and Sections 25, 27 of the Arms Act, 1959 and its cross-version case/DDR No.33 dated 24.06.2004 under Sections 336, 447, 427, 148, 149, IPC and Sections 25, 27 of the Arms Act, 1959 (Sections 307, 420, 467, 468, IPC added subsequently) registered at Police Station Samana, District Patiala

and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the orders dated 25.10.2018 and 20.02.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, the reports dated 07.12.2018 and 29.03.2019 sent by the Additional District & Sessions Judge, Patiala, have been received in both the cases, which are available on record of the case along with the statements of the parties. Learned Magistrate has reported that the parties have made their statements voluntarily and without any pressure. The compromise arrived at between the parties has been found to be a genuine one.

It is a case of version and cross-version. Most of the accused in the cross version are residents of same place. Palwinder Singh had received two injuries on the right side of the leg whereas Manjit Pal had received one injury on the left foot. The injuries are on non vital parts of their body. It is debatable as to whether offence under Section 307, IPC is made out or not.

After going through the reports of the trial court as well as the case file, this Court is of the considered opinion that these are fit cases for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at an out of the Court settlement by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from

Kulwinder Singh and others Vs. State of Punjab and another, 2007(3)

RCR (Criminal) 1052, upheld by Hon'ble Apex Court in **Gian Singh Vs.**

State of Punjab and others (2012) 10 SCC 303,

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.198 dated 24.06.2004 under Sections 307, 336, 326, 420, 120-B, 148, 149, IPC and Sections 25, 27 of the Arms Act, 1959 and its cross-version case/DDR No.33 dated 24.06.2004 under Sections 336, 447, 427, 148, 149, IPC and Sections 25, 27 of the Arms Act, 1959 (Sections 307, 420, 467, 468, IPC added subsequently), registered at Police Station Samana, District Patiala and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, both these petitions are allowed.

08.08.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No