

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(118)

CRM-M-48283-2018 (O&M)

Date of Decision: 06.08.2021

Vakeel Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Nirbhay Singh Shergill, Advocate
for the applicants-petitioners.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. G.S.Bawa, Advocate
for the complainant-respondent No.2.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to
Covid-19 pandemic.

CRM-23176-2021

Noticing the prayer made in the application, it is allowed. The
date of hearing of the main case is advanced to today and is ordered to be
taken on Board.

CRM-M-48283-2018

The instant petition has been filed under Section 482 of the Code
of Criminal Procedure, 1973 for quashing of FIR No.107 dated 24.09.2018
under Sections 336, 341, 506 and 427 of the Indian Penal Code, 1860 and

Sections 25 and 27 of Arms Act, 1959, registered at Police Station Julkan, District Patiala (Annexure P-1) on the basis of compromise dated 06.10.2018 (Annexure P-2), arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioner has contended that it is a case of no injury and the allegation against Vakeel Singh, petitioner No.1, is that when he was attacked with bricks and stones, he fired shots in the air with his 12 Bore gun. He submits that the incident took place during the elections of the Block Samiti and the dispute between the parties, which is purely personal in nature, has been settled by a virtue of Panchayati Compromise (Annexure P-2) and affidavit (Annexure P-3) executed by the complainant-respondent No.2.

Vide order dated 17.11.2018, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded regarding the compromise and a report was called for from the Court.

After recording the statements of the accused-petitioners and complainant-respondent, the Judicial Magistrate 1st Class has submitted the report, relevant extract of which is as under:-

“Complainant Mihan Singh has suffered his statement to the effect that he has compromised the matter with accused namely Vakeel Singh, Nar Singh, Ajaib Singh, Dev Raj, Gurmail Singh, Manpreet Singh and Harwinder Singh with the intervention of respectables without any fear undue or influence or pressure in FIR No.107 dated 24.09.2018, under Section 336, 341, 506, 427 IPC and Section 25 of Arms Act, was

registered in P.S. Julkan, District Patiala. He has no objection, if the above said FIR is quashed against the above noted accused persons.

On the other hand, accused namely Vakeel Singh, Nar Singh, Ajaib Singh, Dev Raj, Gurmail Singh, Manpreet Singh and Harwinder Singh have suffered their joint statement to the effect that they have compromised the matter with the complainant Mihan Singh with the intervention of respectable without any fear, undue influence or pressure in the FIR No. 107 dated 24.09.2018 under Section 336, 341, 506, 427 of IPC & 25 Arms Act, was registered in P.S. Julkan, District Patiala. They have heard the statement of the complainant and they agreed with the same.

I am of the considered opinion that the compromise has been effected between the parties is genuine, voluntarily, without any threat or coercion, but the same is outcome of their free will and volition. No information on record suggesting their conviction/involvement in any other case.”

Supreme Court in ***Gian Singh Versus State of Punjab and another***, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another***, 2007(3) RCR (Criminal) 1052 and Division Bench of

this Court in case *Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102* held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

Counsel for the parties are also ad idem that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.107 dated 24.09.2018 under Sections 336, 341, 506 and 427 of the Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Julkan, District Patiala (Annexure P-1), and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

06.08.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No