

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

225

CRM-M-26625-2020

Date of decision: 25.03.2021

Baz Singh @ Baj Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajesh Kapila, Advocate for the petitioners.

Mr. A.A. Pathak, Addl. A.G. Punjab.

Mr. Vikram Satpal Anand, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

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

The instant petition has been filed for quashing of FIR No.94 dated 23.06.2018, registered under Sections 379-B, 323, 324, 148, 149 of Indian Penal Code, 1860 and Sections 27, 54 of Arms Act, 1959, at Police Station Makhu, District Ferozepur, Annexure P-1, on the basis of Panchayati compromise, dated 23.07.2020, Annexure P-2, arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioners contends that false allegations pertaining to offence under Section 379 IPC and Arms Act have been

levelled against the accused-petitioners and the FIR is an outcome of enmity amongst co-villagers as the complainant had deposed against the petitioners in some criminal case.

Vide order dated 13.01.2021, 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-private respondent No.2, the Sub Divisional Judicial Magistrate, Zira, has submitted the report, which is as under:

“In reference to the order of the Hon'ble High Court dated 13.01.2021 in CRM-M-26625 of 2020, it is submitted that:-

Sh. Gurjeet Singh, Advocate for complainant Tehal Singh son of Balwinder Singh has suffered statement that:-

“Stated that I produce and identify complainant Tehal Singh son of Balwinder Singh in FIR No.94 dated 23.06.2018 under Sections 379-B, 323, 324, 148, 149 IPC and Section 27, 54 of Arms Act PS Makhu in CRM-M-26625 of 2020”.

Thereafter complainant Tehal Singh son of Balwinder Singh has suffered a statement that:-

“Stated that I have compromised the matter with all the accused. The compromise is voluntarily with free consent.

1. There are seven accused arraigned in the FIR and all the accused have appeared before the court and no accused is PO in this FIR.

2. The name of complainant and

injured/aggrieved is myself Tehal Singh. Except me there is no other injured/aggrieved in this FIR.

- 3. The stage of trial/proceedings is for awaiting challan.*
- 4. The compromise is genuine and voluntarily and out of free will of the parties.*
- 5. No other criminal case is pending against the accused.*

I have no objection if the present FIR is quashed against all the accused.”

Thereafter, accused Baz Singh @ Baj Singh, Nirvair Singh @ Nirvail Singh, Harbhajan Singh, Jarnail Singh, Inderjit Singh, Banta Singh and Jagdish Singh have suffered a joint statement that:-

“Stated that we have compromised the matter with opposite party. The compromise is voluntarily with free consent.

- 1. There are seven accused arraigned in the FIR and all the accused have appeared before the court and no accused is PO in this FIR.*
- 2. The stage of trial/proceedings is for awaiting challan.*
- 3. The compromise is genuine and voluntarily and out of free will of the parties.*
- 4. One FIR No.93/18 u/s 431 IPC, PS Makhu has been registered against accused Nirvair Singh @ Nirvail Singh.”*

Thereafter, on the next day SI Jagraj Singh, No.1497/FZR, Investigating Officer in this case appeared and suffered a statement that:-

“Stated that at I am investigation officer in above said case. No accused is PO in this FIR as mentioned above. One another case u/s 431 IPC FIR

No.93/18 has been registered against accused Nirvair Singh @ Nirvail Singh. The remaining accused in this FIR are not involved in any other FIR at present”.

I am satisfied that the parties have suffered statement with free consent and without any coercion undue influence or fear.

The original statements of persons as mentioned above are attached along with.

Report is submitted accordingly. ”

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. A 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 noncompoundable 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.94 dated 23.06.2018, registered under Sections 379-B, 323, 324, 148, 149 of Indian Penal Code, 1860 and Sections 27, 54 of Arms Act, 1959, at Police Station

Makhu, District Ferozepur, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

25.03.2021

(SUVIR SEHGAL)
JUDGE

pooja saini

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