

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26612 of 2020
Date of decision:01.03.2021

Guravtar Singh and others ... Petitioners

Vs.

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. J.S.Khiva, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Satinder Garg, Advocate
for respondent No.2/complainant.

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.081 dated 27.07.2019 (Annexure P-1) registered under Sections 307, 458, 324, 323 and 34 of Indian Penal Code, 1860 at Police Station City-II Malerkotla, District Sangrur, offence under Sections 325 and 326 IPC was added later on, vide DDR No.18 dated 21.02.2020 registered at Police Station City-II, Malerkotla, District Sangrur (Annexure P-2), on the basis of compromise/settlement (Annexure P-3) arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioners has argued that the petitioners have been falsely framed in the FIR as they have not been named by the complainant. According to him, the allegation in the FIR is that the complainant has been attacked by three un-identified masked persons and the complainant in his supplementary statement named the petitioners on the basis of which they were arraigned as accused. Still further, it is his argument that offence under Section 307 IPC is not made out as two of the injuries suffered by the complainant have been declared to be grievous but none of the injuries have been described to be dangerous to the life by the doctor.

Vide order dated 08.09.2020, 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 No.2, the Judicial Magistrate Ist Class (Duty), Malerkotla, has submitted the report, relevant extract of which is as under:-

“1. It is most humbly submitted that so far the challan against accused has not been presented and case is fixed for awaiting challan and therefore trial has not begin yet. It is further submitted that FIR No.81 dated 27.07.2019, under Sections 307, 458, 324, 323, 34 of IPC, P.S.City-2 Malerkotla was registered against unknown persons and only accused Guravtar Singh after obtaining bail from the Court of Ms.

Jaswinder Sheemar, learned Additional Sessions Judge, Sangrur has appeared in the Court and has furnished bail bonds. So, at present, in the Court, case is fixed for awaiting challan qua accused Guravtar Singh.

2. As per the statement of accused, they have never been declared proclaimed offender in any case.

3.The case is fixed for awaiting challan of accused Guravtar Singh.

4.The compromise is genuine, voluntarily and out of free will of the parties in view of the statement of accused persons and in view of the statement of complainant Mohd. Sabir and accused Guravtar Singh recorded on 07.10.2020.

5. As per the statement of accused, they are not involved in any other case except the present 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.081 dated 27.07.2019 (Annexure P-1) registered under Sections 307, 458, 324, 323 and 34 of Indian Penal Code, 1860 at Police Station City-II Malerkotla, District Sangrur, offence under Sections 325 and 326 IPC was added later on, vide DDR No.18 dated 21.02.2020 registered at Police Station City-II, Malerkotla, District Sangrur (Annexure P-2) alongwith all subsequent proceedings arising therefrom is quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

March 01, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes