

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

(243)

CRM-M-36356-2021.

Date of Decision:-14.12.2021.

Ranjit Singh @ Rana and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Nakul Sharma, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Ms. Amarpreet Kaur, Advocate for
Respondent No.2/complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.90 dated 07.07.2020, registered under Sections 307/148/149 of IPC and Sections 25/27 of the Arms Act at Police Station Makhu, District Ferozepur (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of Affidavit dated 23.08.2021 (Annexure P-2).

On 11.11.2021, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.90 dated 07.07.2020 registered under Sections 307/148/149 of the Indian Penal Code, 1860 (hereinafter to be referred as “the IPC”) and Sections 25/27 of the Arms Act, 1959, at Police Station Makhu, District

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Ferozepur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 23.08.2021 (Annexure P-2).

Learned counsel for the petitioners has submitted that in the present case, offence under Section 307 of the IPC has been illegally added in the FIR itself inasmuch as there is no injury on the vital part as the injuries are stated to have been given on the knee and palm and Section 307 of the IPC has been added in the FIR, without any medical opinion to the effect that the injury caused is dangerous to life. It is further submitted that in a petition bearing CRM-M-41119-2021 filed by respondent No.2 and his accomplices for quashing of FIR therein on the basis of compromise, this Court has been pleased to issue notice of motion for 14.12.2021.

Notice of motion for 14.12.2021.

On asking of the Court, Mr. N.K. Banka, Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent-State and Ms. Amarpreet Kaur, Advocate appears on behalf of respondent No.2.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 20 days.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

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- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

To be heard alongwith CRM-M-41119-2021.”

In pursuance of the said order, the report has been submitted by the Sub Divisional Judicial Magistrate, Zira to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“(1) There are total three accused arrayed in the present FIR named above.

(2) None of the above said accused persons is proclaimed offender.

(3) This Court is of the considered opinion from above said statements of parties that the compromise between complainant Sajan on one side and accused (a) Ranjit Singh alias Rana, (b) Jasvir Singh alias Sonu and (C) Jagtar Singh on the other side has been arrived at the same is genuine, voluntarily without any coercion or undue influence.

(4) As per statement of investigating officer, (a) FIR No.44 dated 16.02.2017, under Seciton 473 of IPC, Police Station City

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Khanna (b) FIR No.16 dated 15.03.2019, Under Section 61, 1, 14 of Punjab Excise Act, 1914, Police Station Sadar Zira (c) FIR No.16 dated 06.02.2019, Under Section 21 of NDPS Act, 1985, Police Station Kotwali Faridkot are registered against above said accused/petitioner no.1 Ranjit Singh alias Rana. Further (a) FIR No.31 dated 20.04.2021, Under Section 21, 29 of NDPS Act, 1985, Police Station Mallanwala, (c) FIR No.126 dated 03.06.2019, Under section 307, 323, 324, 148, 149 of IPC, Police Station City Moga, (d) FIR No.130 dated 07.06.2019 Under Section 21 of NDPS act, 1985, Police Station City Moga are registered against accused/petitioner no.3 Jagtar Singh.

(5) There is only one victim/complainant in present FIR namely Sajjan son of Yusuf Masih, resident of village Chhottian Chamb, Post Office Shianpari, PS Makhu, Tehsil Zira, District Ferozepur.

As such the compliance report along with statements of the parties is hereby submitted please.

Thanking You.

Yours faithfully

Sd/-

*(Parvinder Kaur, PCS),
UID No.PB-0324
Sub Divisional Judicial Magistrate,
Zira.”*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the

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matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with their own free will and without any coercion. The compromise has been found to be genuine and valid.

A perusal of the above report would further show that petitioner Nos.1 and 3 are involved in other cases. However, the same would not come in the way of this petition for quashing of the FIR, as the compromise in the present case has been found to be genuine, bona fide and without any coercion or undue influence.

Learned counsel for the petitioners has submitted that none of the petitioners was declared proclaimed offender in the present case. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondent Nos.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the learned trial Court, this Court finds that the matter has been amicably settled between the petitioners and the complainant. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in ***“Kulwinder Singh and others Vs State of Punjab”***, 2007 (3) RCR (Criminal) 1052, it

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is held that 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 feel that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble the Apex Court in the case of ***“Gian Singh Vs. State of Punjab and another”***, 2012 (4) RCR (Criminal) 543, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced hereinbelow:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. XXX---XXX”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.90 dated 07.07.2020, registered under Sections 307/148/149 of IPC and Sections 25/27 of the Arms Act at Police Station

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Makhu, District Ferozepur (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 14, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No