

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-39685-2021

Date of decision : 14.12.2021

Jasgir Singh @ Jagga

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.K. Singla, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

Mr.Prince Pushpinder Rana, Advocate for
Mr.Kashish Garg, Advocate
for respondents no.2 to 4.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 482 Cr.P.C. for quashing of FIR No.75 dated 07.07.2017 registered under Sections 307/323/506/148/149 IPC, 1860 (Act No.45 of 1860) and under Sections 25/27 of the Arms Act, 1959, at Police Station City Rampura, Tehsil Phul, District Bathinda and all other consequential proceedings arising therefrom, on the basis of compromise dated 17.09.2021 (Annexure P-3).

On 23.09.2021, 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.75 dated 07.07.2017 registered under Sections 307, 323, 506, 148, 149 of the Indian Penal Code, 1860 (Act no.45 of 1860) and under

Sections 25/27 of Arms Act, 1959 at Police Station City Rampura, Tehsil Phul, District Bathinda (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 17.09.2021 (Annexure P-3).

*Learned counsel for the petitioner has submitted that in the present case, offence under Section 307 IPC will not be made out inasmuch as there is no opinion of doctor declaring any injury as dangerous to life and there is no injury on the vital part of the body as injury is stated to be on right biceps. He has relied upon the judgment of a co-ordinate bench of this Court dated 02.08.2021 passed in CRM-M-50937-2019 titled as “**Chamkaur Singh vs. State of Punjab and others.**”*

Notice of motion for 14.12.2021.

On asking of the Court, Mr. Manish Dadwal, AAG, Haryana, appears and accepts notice on behalf of the respondent-State and Mr. Kashish Garg, Advocate appears on behalf of respondent No.2 to 4.

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

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

- 1. Whether any accused is proclaimed offender?*
- 2. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 3. Whether the accused persons are involved in any other FIR or not?*
- 4. 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.”*

In pursuance of the said order, a report has been submitted by the Sub Divisional Judicial Magistrate, Phul. The relevant portion of the said report is reproduced hereinbelow:-

“ The point wise report is as under:-

1. As per the statement of ASI Deshpal Singh No.403/BTI, P.S. City Rampura the accused Jagsir Singh @ Jagga has not been declared proclaimed offender.

2. The compromise effected between the parties appears to be genuine and valid and without any coercion or undue influence.

Statement of the parties were duly recorded before the undersigned and they were duly identified by their respective counsel.

3. As per the statement of ASI Deshpal Singh No.403/BTI, P.S. City Rampura, the accused Jagsir Singh @ Jagga is not involved in any other FIR.

4 As per the statement of ASI Deshpal Singh No.403/BTI, P.S. City Rampura, there are three complainants/victims namely Harmesh Singh, Balwant Singh @ Kala and Kulwant Singh @ Nikka in the present case.

Accordingly, the compliance report is sent herewith for your kind perusal please alongwith the statements of complainant Harmesh Singh, Balwant Singh @ Kala and Kulwant Singh @ Nikka. Photocopies of Aadhar Cards of complainant and accused person as Mark-A to Mark-C and Mark-D.”

A perusal of the above said report would show that the compromise in the present case has been found to be genuine and valid and without any coercion or undue influence.

Learned counsel for the petitioner has submitted that there is no

offender in the present case. It is further submitted that in the present case, no recovery has been effected from the petitioner.

Learned counsel for respondents no.2 to 4 (complainant and eye witnesses) 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. He has, thus, prayed that FIR and subsequent proceedings may be quashed.

Learned counsel for the State has stated that he has no objection in case the FIR is quashed on the basis of compromise.

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 petitioner and the complainant party. 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 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 is of the opinion that the same is 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.75 dated 07.07.2017 registered under Sections 307/323/506/148/149 IPC, 1860 (Act No.45 of 1860) and under Sections 25/27 of the Arms Act, 1959, at Police Station City Rampura, Tehsil Phul, District Bathinda and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

December 14, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No