

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-3209-2021

Date of decision : 10.05.2022

Aksham Chadha @ Micky and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms.Kuljit Kaur, Advocate
for the petitioners.

Mr.Sukhbeer Singh, AAG, Punjab.

Ms.Nimarta Kaur, Advocate
for respondent nos.2 to 4.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 482 Cr.P.C. praying for quashing of FIR no.43 dated 30.04.2020 registered under Sections 307, 323, 34 IPC and Sections 27, 54 and 59 of the Arms Act at Police Station Division D, Amritsar and all other consequential proceedings arising therefrom on the basis of compromise.

On 25.01.2021, a coordinate Bench of this Court was pleased to pass the following order:-

“This petition filed under Section 482 Cr.P.C. seeks quashing of FIR No.43 dated 30.04.2020, under Sections 307, 323 and 34 of the IPC and Sections 27, 54 and 59 of the Arms Act, registered at Police Station Division D, District Police Commissionerate Amritsar (Annexure P-1), and all subsequent proceedings arising therefrom, on the basis of compromise.

[2]. Ld. Counsel for the petitioners refers to Compromise

(Annexure P-2), and states that the matter has been amicably settled between the parties.

[3]. Notice of motion.

[4]. Mr. B.S. Sewak, Additional Advocate General, Punjab to accept notice on behalf of respondent No.1. Let a copy of the Paperbook be supplied to him.

[5]. In view of the matter, the parties shall appear before the Trial Court/Illaqa Magistrate on 03.03.2021, for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaqa Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.

[6]. List on 12.05.2021.

25.01.2021

**(SUDIP AHLUWALIA)
JUDGE"**

In pursuance to the said order, a report has been submitted by the Judicial Magistrate Ist Class, Amritsar. The relevant portion of the said report is reproduced hereinbelow:-

"Complainant Manish Sharma has suffered statement that FIR No.43 dated 30.04.2020 under Section 307, 323, 34 IPC, 27, 54, 59 Arms Act IPC was registered against the accused Aksham Chadha @ Micky. Now he has compromised the matter with the accused with the intervention of respectable. He has compromised the matter voluntarily, without any coercion or undue influence with his own sweet will. He has no objection if the aforesaid FIR is quashed.

xxx xxx xxx

Apart from the statement of accused Aksham Chadha, Statement of injured Nitish Sharma, Statement of eye witness Vikas Sharma, and statement of Sikha Chadha was also recorded in which they suffered separate statement that they have compromised the matter voluntarily without any threat or undue influence. Statement of ASI Parminder Singh No. 899/Asr. Was

also recorded in which he stated that there was only one complainant i.e. Manish Sharma and one accused Aksham Chadha @ Micky and he has not been declared P.O.

From the statements of parties, it is manifest that compromise arrived at between the parties is genuine, voluntary and a result of their own free will without any pressure, coercion or undue influence from any quarter. The compromise has been arrived at with an aim to put an end to the ensuing rivalry between the parties.

Kindly find enclosed herewith original statements of the parties for your honour's kind perusal.

Submitted please.

Yours sincerely,

*(Amanpreet Kaur) PCS
Judicial Magistrate Ist Class
Amritsar. ”*

A perusal of the above said report would show that the petitioners and respondent nos.2 to 4 have appeared and have submitted statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners and respondents no.2 to 4 have jointly submitted that in the present case, injuries are on non-vital parts, i.e. on left arm and right foot and there is no opinion of doctor declaring the said injuries to be dangerous to life, thus the offence under Section 307 IPC is not made out. It is further submitted that although two persons have filed the present petition but the challan has been filed against Aksham Chadha.

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

Learned counsel for respondent nos.2 to 4 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 two parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the 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 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no.43 dated 30.04.2020 registered under Sections 307, 323, 34 IPC and Sections 27, 54 and 59 of the Arms Act at Police Station Division D, Amritsar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

May 10, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No