

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(249)

CRM-M-4948-2022

Date of decision: - 14.10.2022

Ramandeep Singh alias Romy and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Veneet Sharma, Advocate
for the petitioners.

Mr. Iqbal Singh Mann, DAG, Punjab.

Mr. Sandeep Sharma, Advocate
for respondents No.2 to 4.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.217 dated 31.08.2021 under Sections 307, 324, 323, 148, 149 IPC and Sections 25 & 27 of Arms Act registered at Police Station Maqboolpura, Amritsar City, District Amritsar and all other consequential proceedings arising therefrom on the basis of compromise.

On 14.07.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 217 dated 31.08.2021 registered under Sections 307, 324, 323, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Maqboolpura, Amritsar City, District Amritsar (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners as well as counsel for respondents No. 2 to 4 have submitted that in the present case, there is no opinion of the doctor declaring any injury to be dangerous to life and in fact, all the injuries have been declared as simple and thus, Section 307 IPC, prima facie, is not made out.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 days.

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

- 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.*
- Adjourned to 10.08.2022.”*

(VIKAS BAHL)
JUDGE

14.07.2022”

On 27.09.2022, this Court was pleased to pass the following order:-

“Learned counsel for the parties has submitted that one last opportunity be granted to the parties to get their statements recorded before the Illaqa Magistrate/trial Court.

Adjourned to 14.10.2022.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days from today.

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

information:-

- 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.*

However, since the statement of the parties could not be recorded in spite of giving direction, thus, the abovesaid opportunity is granted, subject to the payment of costs of Rs.5,000/- which shall be deposited by the petitioners in the Bar Clerks Association, Punjab and Haryana High Court, Chandigarh, within a period of 10 days from today.

The trial Court shall only record the statements of parties on production of the receipt of said payment.

It is made clear that if the said amount is not deposited within the stipulated period of time, then the present petition would be deemed to have been dismissed.

(VIKAS BAHL)
JUDGE

27.09.2022”

In pursuance of the said order, the report has been submitted by the Judicial Magistrate 1st Class, Amritsar to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“i. There are total five persons arrayed as accused in the present case namely accused no. 1 Ramandeep Singh @ Romy, accused no. 2 Akashdeep @ Sher, accused no. 3 Rashpal Singh @ Tinda, accused no. 4 Birkam Singh @ Bau and accused no. 5 Ranjit Singh @Jimmy;

ii. None of the accused persons has not been declared as proclaimed offender in this case;

iii. *This court is satisfied that the compromise in the present case is genuine, voluntary and without any coercion or undue influence;*

v. *There is one complainant in the present FIR namely Rahul @ Rahul Singh S/o Balwinder Singh @ Billa and there are two other injured/victims namely Shamsheer Singh @ Shori S/o Sukhdev Singh and Dharamvir Singh @ Haddi S/o Pavinder Singh in this FIR.*

4. *The original statements of all the parties and the investigating officer of the case mentioned-above are attached herewith. The report is hereby submitted please for your kind perusal. I am highly obliged.”*

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 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 there genuine, voluntarily and without any coercion or undue influence.

Learned counsel for the petitioners has submitted that the petitioners have not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondents No.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 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 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.217 dated 31.08.2021 under Sections 307, 324, 323, 148, 149 IPC and Sections 25 & 27 of Arms Act registered at Police

Station Maqboolpura, Amritsar City, District Amritsar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

October 14, 2022
S.Sharma(syr)

(VIKAS BAHL)
JUDGE

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