

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(247-I)

CRM-M-6700-2022

Date of decision: - 14.03.2022

Gurwinder Singh and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Mann Akashdeep Singh, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Sunil Kumar, Advocate,
for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.50 dated 22.05.2021 registered under Sections 307/379/341/148/149 of the Indian Penal Code, 1860 at Police Station Shri Hargobindpur, District Gurdaspur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 17.02.2022, 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.50 dated 22.05.2021 registered under Sections 307/379/341/148/149 of the Indian Penal Code, 1860 at Police Station

Shri Hargobindpur, District Gurdaspur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned Senior Counsel for the petitioners has submitted that in the present case, Section 307 of IPC is not made out inasmuch as there is no opinion of Doctor declaring any injuries to be dangerous to life and even perusal of the FIR would show that the injury with khanda is on the left arm of the complainant-Sukhwinder Singh. Even reference has been made to MLR which would also show that there is no serious injury on any vital part of the body. Thus, from the said facts, it is prima facie clear that Section 307 of IPC is not made out.

Notice of motion for 14.03.2022.

On asking of the Court, Mr. Saurav Khurana, Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Sunil Kumar, 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 two weeks.

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. ”*

In pursuance of the said order, the report has been submitted by the Judicial Magistrate First Class, Batala to the Assistant Registrar (Judicial) of this Court. The relevant part of the report is reproduced hereinbelow:-

“Pursuant to the order dated 17.02.2022 passed by the Hon'ble High Court in CRM-M-6700 of 2022 titled as Gurwinder Singh & Others Vs. State of Punjab & Another, report is hereby submitted to the effect that the statements of complainant/respondent No.2 Sukhwinder Singh son of Late Bachan Singh, resident of Village Bham, Tehsil Batala, District Gurdaspur and Petitioner No.1/accused Gurwinder Singh son of Sarabjit Singh, resident of Village Chakk Wassan, Withwan, Tehsil Batala, District Gurdaspur, Petitioner No.2/accused Ram Singh son of Sulakhan Singh. resident of Village Bham, Tehsil Batala. District Gurdaspur, Petitioner No.3/accused Jagroop Singh son of Hardeep Singh, resident of Village Chakk Wassan, Post office Bham, Tehsil Batala, District Gurdaspur, Petitioner No.4/accused Akashdeep Singh son of Jagtar Singh, resident of Village Chakk Wassan, Post office Bham, Tehsil Batala. District Gurdaspur, Petitioner No.5/accused Manmeet Singh son of Piara Singh. resident of Village and Post Office Bhamri. District Gurdaspur, Petitioner No.6/accused Barinder Singh alias Banti son of Piara Singh, resident of Village and Post Office Bhamri, District Gurdaspur, Petitioner No.7/accused Ranjeet Singh son of Balwinder Singh, resident of Village Mathola, Post Office Bharath. Tehsil Batala, District Gurdaspur and Petitioner No.8/accused Sulakhan Singh son of Tara Singh, resident off Village Bham, Tehsil Batala. District Gurdaspur, recorded on 02.03.2022. This Court is satisfied that the parties have made an amicable settlement and have recorded their statements in the Court without any fear, pressure, threat or coercion and out of their free will.

It is further submitted that statement of ASI Tarlok Singh No. 3046/Btl. Police Station Shri Hargobindpur, recorded. He stated that he brought the record of FIR No.50 dated 22.05.2021, under Sections 307. 379, 341, 148 & 149 IPC, registered at Police Station Shri Hargobindpur. This FIR was registered on the Singh son of Late resident Village Bham, Batala. District Gurdaspur, against eight accused namely Gurwinder Singh son Sarabjit Singh, resident of Village Chakk Wassan, Withwan, Tehsil Batala, District Gurdaspur. Ram Singh son of Sulakhan Singh, resident of Village Bham, Tehsil Batala, District Gurdaspur. Jagroop Singh Singh, resident of Village Chakk Wassan, Post office Bham. Tehsil Batala. District Gurdaspur,

Akashdeep Singh son of Jagtar Singh, resident of Village Chakk Wassan, Post office Bham. Tehsil Batala, District Gurdaspur, Manmeet Singh son of Piara Singh, resident of Village and Post Office Bhamri, District Gurdaspur, Barinder Singh alias Banti son of Piara Singh, resident of Village and Post Office Bhamri. District Gurdaspur, Ranjeet Singh son of Balwinder Singh, resident of Village Mathola, Post Office Bharath. Tehsil Batala. District Gurdaspur and Sulakhan Singh son of Tara Singh, resident of Village Bham, Tehsil Batala. District Gurdaspur. He further stated that neither complainant nor accused have been declared as proclaimed offenders nor any proclamation proceedings are pending against them. He further stated that the accused persons are not involved in any other FIR.

*Jagminder Kaur,
Judicial Magistrate, 1st class,
Batala. UID No. PB0435"*

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 without any fear, pressure, threat or coercion and out of their free will.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they have not been declared proclaimed offenders. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondent No.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 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.50 dated 22.05.2021 registered under Sections 307/379/341/148/149 of the Indian Penal Code, 1860 at Police Station Shri Hargobindpur, District Gurdaspur (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

March 14, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No