

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

253

CRM-M-7733-2022
Decided on : 24.03.2022

Gurjit Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Gursharan Singh, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

None for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 77 dated 16.04.2021 under Section 307 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station City Gurdaspur, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

When the matter came up before this Court on 23.02.2022, the following order was passed:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.77 dated 16.04.2021 registered under Section 307 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959 at Police Station City Gurdaspur, District Gurdaspur and all the

subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that in the present case, no injury has been caused to any person and offence under Section 307 of IPC has been added in the FIR itself without there being any opinion of the Doctor declaring any injury to be dangerous to life and thus, stated that prima facie, offence under Section 307 of IPC is not made out.

Notice of motion for 24.03.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 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/affidavit 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, a report has been submitted by the Chief Judicial Magistrate, Gurdaspur to the Registrar of this Court. The relevant portion of the said report is reproduced

hereinbelow:-

“In view of the above said statements of the parties, it is submitted that there is only one accused namely Gurjit Singh in FIR No. 77 dated 16.04.2021 and there is only one accused namely Harjit Singh in Rapt No. 71 dated 16.04.2021.

None of the accused-petitioner is get declared as proclaimed offender in the present FIR case.

The compromise is genuine, voluntary and without any coercion or undue influence.

Petitioner-accused Gurjit Singh is also involved in other FIR bearing No. 129 dated 01.07.2021, under Sections 302, 201, 341, 364, 365 IPC registered with Police Station City Gurdaspur.

There is only one complainant namely Kuldeep Singh in FIR No. 77 dated 16.04.2021 and there is also one complainant namely Gurjit Singh in Rapt No. 71 dated 16.04.2021.

Report on the basis of compromise, which is found genuine, voluntary and without any coercion or undue influence from the statements of the parties, submitted, please.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been compromised and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure. The fact that the

petitioner is involved in one more case also, would not come in the way of compromising the present FIR on the basis of compromise.

Learned counsel for the petitioner has submitted that the petitioner was never declared proclaimed offender in the present case.

Learned counsel for the State, as per instructions, has stated that the said fact is correct.

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 petitioner 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, the petition is allowed and FIR No. 77 dated 16.04.2021 under Section 307 of the Indian Penal Code,1860 and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station City Gurdaspur, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

March 24th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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