

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10088-2022

Date of decision : 02.05.2022

Jasvir Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Gurmeet Singh Saini, Advocate
for the petitioners.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr.B.S.Sidhu, Advocate
for respondent nos.2 and 3.

VIKAS BAHL, J.(ORAL)

This is a second petition under Section 482 Cr.P.C. praying for quashing of FIR no.96 dated 20.09.2021 registered under Sections 452, 323, 506, 148, 149 IPC (Sectin 307 IPC and Sections 25/27/54/59 of Arms Act added later on) at Police Station Ghall Khurd, District Ferozepur and all other consequential proceedings arising therefrom on the basis of compromise.

On 06.04.2022, this Court was pleased to pass the following order:-

"CRM-10691-2022

Application is allowed, as prayed for.

DDR No.34 dated 21.09.2021 (Annexure P-8) is taken on record, subject to all just exceptions.

Main case

This is second petition filed under Section 482 Cr.P.C. for quashing of FIR No.96 dated 20.09.2021 registered under Sections 452, 323, 506, 148 and 149 of the Indian Penal Code, 1860 (Section 307 of IPC and Sections 25/27/54/59 of the Arms Act have been added later on) at Police Station Ghall Khurd, District Ferozepur (Annexure P-2) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 02.05.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Neeraj Madaan, Advocate for Mr. B.S. Sidhu, Advocate appears on behalf of respondent Nos.2 and 3.

Learned counsel for the petitioners as well as respondent Nos.2 and 3 have jointly submitted that in the present case, earlier petition filed bearing No.CRM-M-47179-2021 was dismissed as withdrawn on 10.11.2021 with liberty to file fresh petition. It is further submitted that subsequent to the withdrawal of the said petition on 10.11.2021, Dr. Shashi Bhushan, M.O. Central Jail, Ferozepur has given his opinion dated 10.12.2021 (Annexure P-3) to the effect that injury Nos.1, 2 and 3 are simple in nature and the said injuries are not dangerous to life. It is further contended that a perusal of the DDR would show that it was on account of injury Nos.1, 2 and 3 that the offence under Section 307 of IPC has been added. It is further submitted that said injury Nos.1, 2 and 3 are on the left leg and it is thus, argued that offence under Section 307 of IPC is not made out in the present case.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 2 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.

06.04.2022

**(VIKAS BAHL)
JUDGE”**

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

“It is furthermore, respectfully submitted that:-

(i) In the present case, as per statement of ASI Jaspal Singh No. 893/Fzr PS Ghall Khurd IO of the present case. 1)Jasvir Singh son of Naib Singh, 2. Jaskaran Singh @ Soni son of Sh. Jasvir Singh, 3. Gursharan Singh @Sharma son of Sh. Kulbir Singh, 4) Lakhwinder Singh son of Sh. Gurmej Singh, 5. Satwinder Singh son of Sh. Gurmej Singh are only accused in the present FIR. As per above statement of I.O. no other person has been arrayed as accused in the present FIR.

(ii) As per statement of I.O. of this case, accused persons namely 1)Jasvir Singh son of Naib Singh, 2. Jaskaran Singh @ Soni son of Sh. Jasvir Singh, 3. Gursharan Singh @ Sharma son of Sh. Kulbir Singh, 4) Lakhwinder Singh son of Sh. Gurmej Singh, 5. Satwinder Singh son of Sh. Gurmej Singh have never declared as proclaimed offender.

(iii) As per statement of IO of this case, the compromise has been effected between the parties, is genuine, voluntary and without any coercion or undue influence.

(iv) As per statement of IO of this case, the above mentioned accused / petitioners are not facing trial in any other criminal case nor any other FIR has been registered against above said accused/ petitioners except the present one.

(v) As per the present FIR and statement of IO, there are only complainant/ respondent namely Sukhjinder Kaur and one injured Mahinder Kaur in the present FIR.

As per above statements of parties, compromise has been effected between petitioner 1)Jasvir Singh son of Naib Singh, 2. Jaskaran Singh @ Soni son of Sh. Jasvir Singh, 3. Gursharan Singh @ Sharma son of Sh. Kulbir Singh, 4) Lakhwinder Singh son

*of Sh. Gurmej Singh, 5. Satwinder Singh son of Sh. Gurmej Singh.
This compromise is acceptable to both the respective parties.
Therefore, this compromise is genuine, Voluntary and without any
coercion or undue influence.*

Hence, my report, Hon'ble Sir.

*Please find enclosed herewith
Statements of parties.
Statement of ASI Jaspal Singh, Investigating officer.*

Yours faithfully,

*(Gagandeep Singh Kainth 'PCS')
Judicial Magistrate 1st Class,
Ferozepur.
Unique Identity Code: PBO658
Dated: 21/April/2022. ”*

A perusal of the above said report would show that the petitioners and respondent nos.2 and 3 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 has submitted that the petitioners were not declared proclaimed offenders in the present case.

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 and 3 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

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.96 dated 20.09.2021 registered under Sections 452, 323, 506, 148, 149 IPC (Sectin 307 IPC and Sections 25, 27, 54, 59 of

and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

May 02, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

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