

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-13036-2019**

**Date of decision : 14.12.2022**

**Dalvir Singh**

**..... Petitioner**

**versus**

**State of Punjab and another**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Rajbir Singh, Advocate  
for the petitioner.

Mr. Jaiteshwar Singh, AAG, Punjab.

Ms. Arandeep Kaur Sidhu, Advocate for  
Mr. Ravi Puri, Advocate  
for respondent No.2.

\*\*\*\*

**PANKAJ JAIN, J. (Oral)**

By way of present petition, the petitioner is seeking quashing of FIR No.115 dated 02.10.2008, registered for offences punishable under Sections 307, 336, 341, 506 and 34 of IPC and Sections 27, 54 and 59 of Arms Act, at Police Station Sadar Nabha, District Patiala on the basis of compromise dated 22.11.2018 (Annexure P-7).

2. On 28.10.2022, the following order was passed:-

“This application has been filed for issuance of directions to trial Court to record the statements of the parties in view of the compromise.

Learned counsel for the applicant-petitioner submits that in compliance of the order dated 06.09.2022 the petitioner has surrendered before the trial Court on 15.10.2022 and prior thereto costs of Rs.1,25,000/- as ordered on 06.09.2022 stands made good. He has produced receipt dated 11.10.2022 to substantiate his assertion. Photocopy thereof is taken

on record.

Notice of the application.

On the asking of the Count, Mr. Arun Gupta, AAG, Punjab accepts notice on behalf of the non-applicant-respondent and pleads no objection.

Mr. Ravi Kumar, Advocate appears and accepts notice on behalf of respondent No.2 and admits the fact of there being a compromise between the parties.

In view of the above, the parties, i.e. the petitioner as well as respondent No.2 are directed to appear before learned Duty Magistrate/Illaq Magistrate/trial Court on 04.11.2022. On their doing so, the learned Duty Magistrate/Illaq Magistrate/trial Court shall record their statements and furnish its report to this Court by the next date of hearing on the following aspects:-

1. Number of persons arrayed as accused in the FIR.
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 case 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.

A copy of the report be also sent to the Registrar Judicial of this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Illaq Magistrate/trial Court shall be at liberty to call the parties on any other date but not later than a week thereafter.

Application stands disposed off.”

3. Pursuant to the aforesaid order, report from Additional Sessions Judge, Patiala dated 04.11.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

(1) There are five persons arrayed as accused in the FIR i.e. Gurtej Singh, Kuldeep Singh, Ranjit Singh, Gurjant Singh and Dalbir Singh. Challan against accused Gurtej Singh was not presented as he was declared as innocent. Accused Kuldeep Singh, Ranjit Singh, Gurjant Singh were acquitted vide judgment dated 7.8.2012 passed by learned court of Ms.Navjot Sohal, the then Addl.Sessions Judge, Patiala.

(2) Accused Dalvir Singh was declared as Proclaimed Offender in this case.

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

(4) As per statement made by Retd. Inspector Narottam Singh, the accused are not involved in any other case.

(5) There is only one victim/complainant i.e. Inderjeet Singh in this FIR.”

4. Counsel for the petitioner submits that there is no allegation against the petitioner that will constitute the offence under Section 307 IPC, even as per the allegations levelled in the FIR the petitioner was said to be empty handed. The allegation of gunshot was levelled against Gurtej Singh. Apart from that the other three co-accused namely Kuldeep Singh, Ranjit Singh and Gurjant Singh against whom there are similar allegations as levelled against the petitioner already stand acquitted of the charges after trial vide judgment dated 07.08.2012 placed on record as

Annexure P-6. Thus, the counsel submits that it is a case which will be fully covered by the ratio of law laid down in **State of Madhya Pradesh vs. Laxmi Narayan and others (2019) 5 SCC 688** as the High Court should not refuse to quash FIR under Section 307 IPC merely because FIR finds mention thereof.

5. Ms. Arandeep Kaur Sidhu, Advocate for Mr. Ravi Puri, Advocate appears for respondent No.2 and admits the fact of parties having compromised and states that she has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

6. Similarly learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

7. I have heard learned counsel for the parties and have carefully gone through the records of the case.

8. After considering judgment rendered by the Apex Court in **Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, State of Madhya Pradesh vs. Laxmi Narayan and others (2019) 5 SCC 688, Kulwinder Singh & others Vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052 and Ram Gopal and another vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322 (Criminal Appeal No.1489 of 2012 decided on 29<sup>th</sup> of September, 2021)**, the proposition of law that emerges from the aforesaid decisions rendered by Apex Court and this Court is :

- (a) Power u/s 482 Cr.P.C. vested with this Court is not affected by Section 320 of the Code.
- (b) However, wider the power greater the caution.
- (c) The underlining principle while exercising such power is that it can be invoked to quash the proceedings

recognizing compromise between the parties in the matters which are overwhelmingly and predominantly of civil character like commercial transactions or arising out of matrimonial relationship or family disputes.

- (d) The said power is not to be exercised in the prosecutions involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. as such offences are not private in nature and have a serious impact on society.
- (e) Section 482 Cr.P.C. casts duty upon the High Court to advance interest of justice as well. It is in recognition of this duty casted upon the High Court, that Apex Court held that the High Court would not refuse to quash FIR under Section 307 merely because FIR finds mention thereof. High Court can assess nature of injuries sustained, whether such injuries inflicted on vital/delicate parts of the body/nature of weapons used etc.
- (f) Such exercise at the hands of High Court would be permissible only after the evidence is collected after investigation and chargesheet is filed/charges framed during the trial. Such exercise cannot be carried out while the matter is still under investigation.
- (g) While quashing FIR in non-compoundable offences even which are of private in nature, High Court is required to consider antecedents of the accused, conduct of the accused and whether he was absconding or whether he has managed the complainant to enter into a compromise.

9. Thus, keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that it is a fit case to exercise jurisdiction vested u/s 482 Cr.P.C. to quash the FIR as :-

- (i) The present matter does fall within the exceptions as carved out in **Laxmi Narayan's** case (supra). However, keeping in view the acquittal earned by the co-accused and the fact that there is no allegation of any injury caused by the petitioner, mere mentioning of Section 307 IPC in the FIR would not be a bar in considering the prayer made by the petitioner seeking quashing of FIR.
- (ii) The offences are of private nature.
- (iii) The parties have compromised.
- (iv) As per the report received the compromise is said to be voluntary in its nature.
- (v) Complainant/victim has entered into compromise on his own volition.
- (vi) No firearm has been used.
- (vii) Injury has not been inflicted on the vital/delicate part of the body.
- (viii) Investigation stands completed.

10. Consequently, the petition is allowed. FIR No.115 dated 02.10.2008, registered for offences punishable under Sections 307, 336, 341, 506 and 34 of IPC and Sections 27, 54 and 59 of Arms Act, at Police Station Sadar Nabha, District Patiala and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

**(PANKAJ JAIN)**  
**JUDGE**

**14.12.2022**  
Dinesh

|                           |     |
|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable :      | No  |