

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(260)

CRM-M-33563-2020

Date of decision: - 18.08.2022

Baljeet Singh @ Baljeet Singh Sidhu

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. P.K.S. Phoolka, Advocate, for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Davinder Kumar, Advocate, for respondents No.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.64 dated 06.05.2020 under Sections 336, 269, 270 and 188 IPC; Sections 27 & 54 of Arms Act; and Section 51 of Disaster Management Act, 2005 registered at Police Station Nehianwala, District Bathinda and all other consequential proceedings arising therefrom on the basis of compromise.

On 20.04.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“CRM-13754-2022

This is an application filed under Section 482 Cr.P.C. for preponing the date of hearing of main case.

Notice in application.

Mr. B.S. Sewak, Additional A.G. Punjab and Mr. N.S. Sidhu,

Advocate accept notice on behalf of respondent No. 1 State and respondents No. 2 and 3 respectively.

For the reasons mentioned in application, same is allowed and hearing of main case is preponed today itself.

Application is disposed of.

CRM-M-33563-2020

Mr. Phoolka, learned counsel for petitioner states that petitioner and complainant are real brothers. Respondent No. 3 is their father. He states that an altercation has taken place between petitioner and complainant on account of dispute arising out of agriculture land. There is no firearm injury. The allegation only is that petitioner had fired in air.

Parties may appear before learned trial Court/Illaq Magistrate concerned on 10.5.2022 or any other date convenient to said Court and get their statements recorded with regard to compromise. The original compromise shall be produced before the said court. In the event of their statements being recorded, the Court will send copies of same to this Court before next date of hearing alongwith its report :

- i) regarding genuineness and voluntary nature of compromise ;*
- ii) whether all accused/petitioner are appearing before the Court or are on bail; and iii) whether any other proceeding is pending against the accused/ petitioner.*

Adjourned to 29.7.2022.

(HARINDER SINGH SIDHU)
JUDGE

20.4.2022”

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

“Respected Sir.

It is respectfully submitted that in compliance to directions given by the Hon'ble Punjab and Haryana High Court vide its order dated 20.04.2022 passed in CRM-M-13754 of 2022, complainants namely Gurjeet Singh and Gurtej Singh and accused Baljeet Singh were appeared and their statements were recorded on 10.05.2022 and statement of ASI Gurnaib Singh is recorded today i.e. 13.05.2022. Complainant namely Gurjeet Singh suffered statement to the effect that

FIR No.64 dated 06.05.2020 under section 336, 269, 270, 188 Indian Penal Code, 1860 and under section 27/54 of Arms Act was lodged with the police station Nehianwala Bathinda on the basis of complaint made by him against Baljit Singh. He has voluntarily arrived at compromise with the accused without any pressure, threat or coercion or undue influence with his own will. No person has been declared as proclaimed offender in the present case. Today he has brought his identity proof which is a photocopy of adhar card and same is Ex.CI (original seen and returned). He has no objection if the said FIR is quashed. He also pasted his photograph on his statement.

Applicant Gurtej Singh suffered statement to the effect that FIR No.64 dated 06.05.2020 under section 336, 269, 270, 188 Indian Penal Code, 1860 and under section 27/54 of Arms Act was lodged with the police station Nehianwala, Bathinda on the basis of complaint made by Gurjeet Singh against Baljit Singh. There was minor altercation between his sons namely Gurjeet Singh and Baljeet Singh. Now, compromise has been effected between them without any pressure, threat or coercion or undue influence with their own will. Today he has brought his identity proof which is a photocopy of adhar card and same is Ex.C3 (original seen and returned). He has no objection if the said FIR is quashed. He also pasted his photograph on his statement.

xxx xxx xxx xxx

In view of statements given by the parties and ASI Gurnaib Singh following report is hereby submitted as desired by your's goodself:-

- 1. It is respectfully submitted that in view of statements given by the parties, this Court is of the considered opinion that compromise effected between parties is genuine and it is effected voluntarily, without any pressure, coercion or undue influence from any quarter.*
- 2. It is further submitted that accused appeared before the court and made his respective statement in support of the compromise so effected.*
- 3. As per record, no other proceedings is pending against the accused."*

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 petitioner has submitted that the petitioner 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 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 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 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, this petition is allowed and FIR No.64 dated 06.05.2020 under Sections 336, 269, 270 and 188 IPC; Sections 27 & 54 of Arms Act; and Section 51 of Disaster Management Act, 2005 registered at Police Station Nehianwala, District Bathinda and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

August 18, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No