

CRM-M-24867-2022

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

CRM-M-24867-2022.

Date of decision: July 27, 2022.

Baljeet Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

**PRESENT: Mr.A.D.S.Sukhija, Advocate,
for the petitioners.**

Mr.Sukhbeer Singh, AAG, Punjab.

**Mr.Parampreet Singh Paul, Advocate,
for respondent Nos.2 to 7.**

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 117 dated 05.07.2013 under Sections 307, 336, 451, 323, 325, 506, 148 and 149 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959 registered at Police Station Sohana, District SAS Nagar, Mohali (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 1.6.2022, this Court was pleased to pass the following order:-

This is a petition under Section 482 Cr.P.C. for

quashing of FIR No. 117 dated 05.07.2013 under Sections 307, 336, 451, 323, 325, 506, 148 and 149 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959 registered at Police Station Sohana, District SAS Nagar, Mohali (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

Learned counsel for the petitioners, inter alia, contends that in the present case, there is no injury which has been declared as dangerous to life and the offence under Section 307 IPC had been added at the time of registration of the FIR itself and the said offence is, prima facie, not made out. It is further submitted that there is one injury on the head and one on the ear of one Harjot Singh, which are simple in nature and the other injuries are on non vital parts. It is contended that since in the present case, there are 12 petitioners and 6 complainants/victims, thus, a compromise effected between the parties would help in bringing peace and harmony between 18 residents of the village.

Notice of motion of 27.07.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. P. S. Paul, Advocate appears on behalf of respondents No. 2 to 7.

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

To be listed along with CRM-M-24441-2022.”

In pursuance of the abovesaid order, a report has been submitted by the Additional District and Sessions Judge, S.A.S. Nagar, Mohali in the connected petition i.e. CRM-M-24441-2022. The relevant portion of the said report is reproduced hereinbelow:-

“Keeping in view the statements of the parties, it is submitted that it appears that the compromise between the parties of the DDR No. 29 dated 05.07.2013, under Sections 452, 326, 324, 323, 427, 148, 149, 506 of IPC and Section 3 (2) of SC and ST Act, 1989, Police Station Sohana, District Mohali in case an FIR No. 117 dated 05.07.2013, under Sections 307, 336, 451, 323, 325, 506, 148, 149 of IPC, 1860 and Section 27, 54, 59 of Arms Act, Police Station Sohana, District SAS Nagar, (Mohali) has been effected voluntarily and without any coercion or undue influence and the same is genuine one.”

A perusal of the report submitted by the Additional

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District and Sessions Judge, S.A.S. Nagar, Mohali, would show that the petitioners and respondent Nos.2 to 7 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners and respondents have jointly submitted that in the present case there were total 15 accused persons named in the FIR out of which 1 accused Gurvinder Singh has died and another accused by the name of Gursewak Singh was not traceable and one accused Harwinder Singh had not been challaned.

Learned counsel for the petitioners has relied upon the judgment of the Hon'ble Supreme Court titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, reported as 2012 (12) SCC 401**, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

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 to 7 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 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 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, the petition is allowed and FIR No. 117 dated 05.07.2013 under Sections 307, 336, 451, 323, 325, 506, 148 and 149 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959 registered at Police Station Sohana, District SAS Nagar, Mohali (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

July 27, 2022.
raj arora

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No