

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(246)

CRM-M-29188-2021  
Date of decision: - 14.10.2022

Maninder Singh

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. A.S. Sandhu, Advocate  
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

Mr. Amit Kumar, Advocate for  
Mr. Saransh Sabharwal, Advocate  
for respondent No.2.

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**VIKAS BAHL, J. (ORAL)**

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.238 dated 24.06.2021 under Sections 307, 506 IPC and Section 25 of Arms Act registered at Police Station Sohana, District SAS Nagar and all other consequential proceedings arising therefrom on the basis of compromise.

On 21.09.2022, this Court was pleased to pass the following order:-

*“Learned counsel for the petitioners and respondent no.2 as well as learned State counsel, on instructions from ASI Satpal Chaudhary, have jointly submitted that in the present case no injury has been caused to any person and thus, offence under Section 307 IPC is not prima facie made out.*

*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 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.*
- Adjourned to 14.10.2022.*

**(VIKAS BAHL)**  
**JUDGE**

**21.09.2022”**

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

- “(i) Only accused Maninder Singh mentioned above is arrayed as accused in the present FIR no.238 dated 24.06.2021 under section 307, 506 IPC and section 25 Arms Act PS Sohana*
- (ii) The accused is not proclaimed offender in the present FIR.*
- (iii) The compromise Ex.C1 between the complainant and accused is genuine, voluntary and without any coercion or undue influence.*
- (v) There is only one victim/complainant in the present FIR ie Barinder Singh mentioned above.*
- Hence, necessary report is hereby submitted for kind perusal.*
- Thanking you.*

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 has not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondent No.2 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.238 dated 24.06.2021 under Sections 307, 506 IPC and Section 25 of Arms Act registered at Police Station Sohana, District SAS Nagar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

**October 14, 2022**  
S.Sharma(syr)

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No