

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-31375-2022

Date of decision:09.09.2022

Gurmanav Dayal Singh alias Manav

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

Mr. Avtar Singh Bhatti, Advocate for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.60 dated 10.06.2022 registered under Sections 307, 34 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Rangar Nangal, Tehsil Batala, District Gurdaspur (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise.

On 21.07.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.60 dated 10.06.2022 registered under Sections 307, 34 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Rangar Nangal, Tehsil Batala Gurdaspur, District Gurdaspur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise. It is

further submitted that in the present case, no injury has been caused to any person and thus, prima facie offence under Section 307 of IPC is not made out.

Notice of motion for 10.08.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Avtar Singh Bhatti, Advocate appears on behalf of respondent No.2 and has reiterated the abovesaid facts as stated by the learned counsel for the petitioner.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 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.*

*(VIKAS BAHL)
JUDGE”*

21.07.2022

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

“In compliance to the aforesaid order dated 21.07.2022, of the Hon'ble Punjab and Haryana High Court, it is respectfully submitted that the report of the undersigned is as follows:

i) As per record and as per the statement of Investigation Officer ASI Palwinder Singh, #1649/Btl, PS Rangar Nangal, Police District Batala, Gurmanav Dayal Singh @ Manav S/o Gursharanjit Singh @ Pintu R/o Village Jahadpur, has been arrayed as accused in the above said FIR.

ii) As per record and as per the statement of Investigation Officer ASI Palwinder Singh, #1649/Btl, PS Rangar Nangal, Police District Batala, neither the accused has been declared as proclaimed person/offender nor any P.O. proceedings are pending against the accused in the present FIR.

iii) *In view of the statements recorded by both the parties i.e. the complainant and the accused, this Court is satisfied that the compromise is genuine, voluntary and without any coercion or undue influence.*

iv) *As per the statement of Investigation Officer ASI Palwinder Singh, #1649/Btl, PS Rangar Nangal, Police District Batala, except the present FIR, no other FIR is pending or registered against above named accused at P.S. Rangar Nangal, Police District Batala, District Gurdaspur.*

v) *As per the statement of Investigation Officer ASI Palwinder Singh, #1649/Btl, PS Rangar Nangal, Police District Batala, there is no other complainant or injured/aggrieved apart from the above named complainant i.e. Harwinder Singh S/o Lakhwinder Singh.*

As such, report is submitted, accordingly, alongwith the statements of the parties, for the kind perusal of your Goodself. Submitted please.

Yours faithfully,

*(Vineeta Luthra)
Sub Divisional Judicial Magistrate,
Batala, District Gurdaspur”*

A perusal of the above said report would show that the petitioner and complainant-respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioner has further submitted that the petitioner was not declared proclaimed offender 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 petitioner.

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 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 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.”

In view of what has been discussed hereinabove, this petition is

of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Rangar Nangal, Tehsil Batala, District Gurdaspur (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

09.09.2022
Ishwar

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No