

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

\*\*\*\*

CRM-M-41792-2021

Date of decision:22.09.2022

Dalbir Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

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

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. A.S. Bhatti, Advocate for respondents No.2 & 3.

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

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.43 dated 19.04.2020 under Sections 307,323,34 IPC and Sections 25/27 of the Arms Act, registered at Police Station Ghuman, District Batala (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise dated 23.08.2021 (Annexure P-2).

On 05.10.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Heard through video conferencing.*

*The petitioners are seeking quashing of FIR No.43 dated 19.04.2020, under Sections 307, 323, 34 IPC and Sections 25/27 of the Arms Act, registered at Police Station Ghuman, District Batala, on the basis of compromise dated 23.08.2021 (Annexure P-2), which has been arrived at between the parties.*

*Learned counsel for the petitioners contends that the FIR is outcome of a sudden altercation between neighbours in which simple injuries were caused. Offence under Section 307 IPC has been added on the allegation that a shot was fired but it did not hit anyone. He also contends that with the intervention of the respectables, the matter has been*

*compromised. He has referred to the copy of the compromise at Annexure P-2. The petitioners did not have any criminal antecedents.*

*Issue notice to the respondents.*

*At the asking of the Court, Ms. Jaspreet Kaur, AAG, Punjab, accepts notice on behalf of respondent No.1.*

*Mr. Avtar Singh Bhatti, Advocate has put in appearance on behalf of respondents No.2 and 3 and states that the matter has indeed been compromised.*

*List on 15.11.2021.*

*In the meantime, the parties are directed to appear before Illaqa Magistrate/trial Court on 26.10.2021. The Illaqa Magistrate/trial Court shall record their statements with regard to the genuineness of the compromise as to whether the compromise has been effected between the parties without any undue influence or coercion and send the report to this Court before the next date of hearing.*

(ANUPINDER SINGH GREWAL)

October 05, 2021

JUDGE”

Thereafter, on 25.05.2022, this Court was pleased to pass the following order: -

**CRM-18839-2022**

*This is an application filed under Section 482 of Cr.P.C. for grant of one more opportunity to the parties in order to get their statements recorded before the trial Court.*

*Learned counsel for the applicant-petitioners and respondent Nos.2 and 3 have submitted that one last opportunity be granted to the parties to get their statements recorded before the Illaqa Magistrate/trial Court in terms of order dated 05.10.2021.*

*Notice in the application.*

*Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and submits that he has no objection in case, the present application is allowed and opportunity is given to the parties to get their statements recorded before the trial Court.*

*Keeping in view the abovesaid facts and circumstances and no objection from the opposite side, the present application is allowed.*

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

*The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing in the main case i.e. 22.09.2022 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.*

*However, since the statements of the parties could not be recorded as they have not appeared before the Illaqa Magistrate/trial Court in spite of giving a direction, thus, the abovesaid opportunity is granted, subject to the payment of costs of Rs.5,000/- which shall be deposited by the petitioners in High Court Lawyers' Welfare Fund within a period of one month from today.*

*The trial Court shall only record the statements of parties on production of receipt of the said payment.*

*It is made clear that if the said amount is not deposited within the stipulated period of time, then the present petition would be deemed to have been dismissed.*

(VIKAS BAHL)  
JUDGE”

25.05.2022

In pursuance to the said order, a report has been submitted by

Judicial Magistrate 1<sup>st</sup> Class, Batala. The relevant portion of the said report is reproduced hereinbelow:-

*“....Statement of complainants and accused persons have been recorded by undersigned. As per statements of the parties, compromise has been effected between the parties. Compromise appears to be genuine and voluntary.”*

*“.....In this case there is only one complainant namely Sarabjit Singh S/o Gurpal Singh R/o Village Chackoke, District Gurdaspur. In this case, there is only one victim/injured namely Amarjit Singh S/o Gurpal Singh R/o Village Chackoke, District Gurdaspur.”*

xxx xxxx

*Submitted please,*

*Yours faithfully,  
(Rajinder Singh) PCS,  
Judicial Magistrate 1<sup>st</sup> Class,  
Batala/13.06.2022”*

A perusal of the above said report would show that the petitioners and respondents No.2 and 3 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 petitioners has further 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 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 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

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 allowed and FIR No.43 dated 19.04.2020 under Sections 307,323,34 IPC and Sections 25/27 of the Arms Act, registered at Police Station Ghuman, District Batala (Annexure P-1) along with all consequential proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

22.09.2022

Ishwar

(VIKAS BAHL)  
JUDGE

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