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

CRM-15804-2022 in/and
CRM-M-48719-2019 (O&M)
Date of decision : 05.05.2022

Jeewanjyot Singh @ Jugnu

...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. Sarabjit S. Cheema, AAG, Punjab.

Mr. Kunal Choksi, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

CRM-15804-2022

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case which is now stated to be listed for 12.07.2022 to an early date.

Learned counsel for the applicant-petitioners has submitted that the present matter has been compromised and the statements of the parties have already been recorded.

Notice in the application.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab,

appears and accepts notice on behalf of the non-applicant/State of Punjab and Mr. Kunal Choksi, Advocate appears on behalf of non-applicant/respondent No.2 and have submitted that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed from 12.07.2022 to today itself for final disposal.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the date of hearing in the main case is preponed from 12.07.2022 to today and the same is taken on Board today itself for final disposal.

Main case

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.59 dated 11.07.2012 registered under Sections 307, 427, 120-B, 147, 148, 149 of the Indian Penal Code, 1860 (Section 34 of IPC has been added later on) and Sections 25(54) of the Arms Act at Police Station Phase-8, District SAS Nagar, Punjab and all the subsequent proceedings arising therefrom on the basis of compromise.

On 06.12.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“Learned Counsel for the petitioners while referring to Annexure P-2 has contended that a compromise has been effected between the parties and prayed for quashing of FIR No.59 dated 11.07.2012 under Sections 120-B, 307, 427, 147, 148 and 149 read with Section 34 (added later on in the challan) of the IPC and Section 25(54) of the Arms Act, 1959 registered at Police Station Phase – VIII, SAS Nagar, Punjab.

Learned Counsel for respondent No.2 has admitted

the factum of compromise.

Copies of the paper book have been supplied to the learned Counsel for the respondents.

Adjourned to 15.01.2020.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 13.12.2019 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing containing the following information :-

- 1. Number of persons arrayed as accused in FIR.*
- 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 case or not.*
- 5. Current stage of the case.*

The trial Court is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

Trial Court/Illaq Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.

06.12.2019

Sd/- (ARUN KUMAR TYAGI)

JUDGE ”

In pursuance of the abovesaid order, a report has been submitted by the Additional District & Sessions Judge, SAS Nagar (Mohali). The relevant portion of the said report is reproduced hereinbelow:-

“To ascertain these facts, statement of complainant

Prabhjit Singh and accused Jeewanjyot Singh as well as investigating officer ASI Rakesh Kumar were recorded on 08.01.2020 as they were appeared on the said date. The complainant Prabhjit Singh and accused Jeewanjyot Singh endorsed the fact that the matter has been compromised between them out of free will and without pressure, coercion or force. The complainant and the accused namely Jeewanjyot Singh were duly identified by their counsels. They have also placed on record compromise deed Ex.CX duly executed between them out of their free will and consent.

Keeping in view the aforesaid, I am satisfied that the matter has been compromised between the complainant Prabhjit Singh and accused namely Jeewanjyoti Singh in FIR No. 59 dated 11.07.2012, under Sections 307, 427, 120-B, 34 IPC and Section 25-54-59 Arms Act, Police Station Phase-VIII, SAS Nagar, (Mohali) and same has been effected voluntarily without any fear, pressure or coercion and out of their free will and is genuine one. Original statements of the investigating officer ASI Rakesh Kumar, No. 265/SAS Nagar, complainant Prabhjit Singh and accused namely Jeewanjyot Singh of this case are attached herewith as per directions.

It is respectfully further submitted that statement of ASI Rakesh Kumar, investigating officer of the present case recorded wherein he stated that originally the present FIR had been registered against the eight accused persons. He further stated that out of eight accused persons, four accused persons namely Gurcharan Singh alias Guri, Saurabh Walia, Arun Zirakpuria and Nitin Kumar had not been challenged as they were declared as innocent during the investigation. He further submitted that the remaining four accused persons namely Baljit Singh alias Baljit Chaudhary,

Harjit Singh alias Ganju, Jeewanjyot Singh alias Jugnu and Sanjeev Kumar alias Billa have been challenged. He further submitted that accused Baljit Chaudhary and Sanjeev Kumar have been declared Proclaimed offenders during the trial. Accused Sanjeev Kumar alias Billa except the present FIR has not been involved in any other case whereas accused Baljit Singh alias Baljit Chaudhary, Harjit Singh alias Ganju and Jeewanjyot Singh are involved in some other cases also and at present, he has no detail of the said cases. He further submitted that there are only one complainant/victim Prabhjit Singh in the present case. ASI Rakesh also identified the complainant Prabhjit Singh present in the Court.”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been compromised and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioner has submitted that the petitioner was not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that the said 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 two parties.

Learned counsel for the petitioner and respondent No.2 have jointly submitted that in the present case, the petitioner has not been attributed any injury and only role attributed to the petitioner is that he after raising lalkara had broken window shield of the car. It is, thus, submitted that Section 307 of IPC is not attracted against the present petitioner. It is further submitted that there is only one victim-injured in the present case i.e. Prabhjit Singh-respondent and Manpreet Singh was only an eye-witness and has not suffered any injury.

A perusal of the report would show that the FIR had been registered against 8 persons, out of which, only 4 were challaned but only one accused out of them i.e. the present petitioner has filed the present petition.

Learned counsel for the petitioner has relied upon judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401** to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected. He has also relied upon the judgment dated 04.07.2019 passed in **CRM-M-16318-2018** titled as **Dalip Mandal and another Vs. State of UT Chandigarh and others**, in which case, the Coordinate Bench of this Court was pleased to allow the petition qua the petitioner only although, the matter had not been compromised between all the 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**”, reported as **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**”, reported as **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, the petition is allowed and FIR No.59 dated 11.07.2012 registered under Sections 307, 427, 120-B, 147, 148, 149 of the Indian Penal Code, 1860 (Section 34 of IPC has been added later on) and Sections 25(54) of the Arms Act at Police Station Phase-8, District SAS Nagar, Punjab and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

05.05.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No