

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CRM-M-57695-2022
Decided on : 20.12.2022

Shamsher Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Joginder Pal Devgan, Advocate
for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Ankush Rampal, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 101 dated 28.06.2021 under Sections 307, 457, 380, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25, 27, 54 and 59 of the Arms Act registered at Police Station City Patti, Tehsil Patti, District Tarn Taran and all subsequent proceedings arising therefrom on the basis of the compromise.

On 12.12.2022, 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. 101 dated 28.06.2021 registered under Sections 307, 457, 380, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25, 27, 54 and 59 of the Arms Act, 1959 at Police Station City Patti, Tehsil Patti, District Tarn Taran (Annexure P-1) and

subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners and respondent No. 2 have jointly submitted that in the present case, no injury has been caused to any person and thus, offence under Section 307 IPC, prima facie, is not made out.

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

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 20.12.2022.

12.12.2022

Mehak

*(VIKAS BAHL)
JUDGE”*

In pursuance of the said order, a report has been submitted by the Additional District & Sessions Judge, Tarn Taran to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“As per statements of accused, complainant compromise has been effected between them without any coercion an undue influence. The copies of statements suffered by the accused,

complainant and I.O. Is being sent herewith. Now, case is fixed for 23.12.2022.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioners 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. As per the said report, it has been observed that the petitioners were never declared as proclaimed offender in the present case.

Learned counsel for the petitioners and respondent No. 2 have jointly submitted that there were 21 accused persons in the present case and the present petition has been filed only on behalf of ten accused and prayed that the FIR qua the present petitioners be quashed.

Learned counsel for the petitioner and respondent No.2 have 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 petitioner has also relied upon the judgment dated 04.07.2019 passed in **CRM-M-16318-2015** titled as **Dalip Mandal and another Vs. State of U.T., Chandigarh and others**

in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

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 bring 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 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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 101 dated 28.06.2021 under Sections 307, 457, 380, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25, 27, 54 and 59 of the Arms Act registered at Police Station City Patti, Tehsil Patti, District Tarn Taran and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

20.12.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No