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

CRM-23872-2022 in/and
CRM-M-50424-2019 (O&M)
Date of decision : 22.07.2022

Gursartaj Singh @ Robin and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Raghav Soni, Advocate for
Mr. Vikas Gupta, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Akhil Singh Arora, Advocate for
Mr. Vivek Salathia, Advocate for respondent Nos.2 to 4.

VIKAS BAHL, J. (ORAL)

CRM-23872-2022

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 09.09.2022 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. Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of the non-applicant/State of Punjab and Mr. Akhil Singh Arora, Advocate for Mr. Vivek Salathia, Advocate appears on behalf of non-applicant/respondent Nos.2 to 4 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 09.09.2022 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 09.09.2022 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.104 dated 25.07.2018 registered under Sections 307/279/337/427/506/148/149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Sirhali, District Tarn Taran (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 27.11.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“Prayer in this petition is for quashing of FIR No. 104 dated 25.07.2018, registered under Sections 307, 279, 337, 427, 506, 148 and 149 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Sirhali, District Tarn Taran along with all the subsequent proceedings arising therefrom, on the basis of the compromise entered into

between the parties.

Notice of motion.

At this stage, Mr. Vivek Salathia, Advocate puts in appearance on behalf of respondent Nos. 2 to 4 and files his power of attorney. He admits to the factum of compromise entered into between the parties.

List again on 22.04.2020.

In the meantime, parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statements with regard to compromise/settlement within a period of 30 days from today.

The trial Court/Illaq Magistrate 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 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 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.*

27.11.2019

Sd/- (ARVIND SINGH SANGWAN)
JUDGE.”

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Tarn Taran. The relevant portion of the said report is reproduced hereinbelow:-

“In compliance of the aforesaid order, statement of respondent no.2/complainant Gurpreet Singh son of Sadhu Singh, statement of respondent no.3 Veerpal Kaur wife of

Gurpreet Singh, statement of respondent no.4 Harbhajan Kaur wife of Sadhu Singh, joint statement of petitioners/accused namely Gursartaj Singh alias Robin son of Ranjit Singh, Ranjit Singh son of Lakha Singh, Jasnoor Singh son of Bhupinder Singh, Gurbachan Singh son of Gajan Singh, Jassi alias Jaswinder Kaur wife of Ranjit Singh were recorded in the court, wherein the complainant/respondents have submitted that they have compromised the matter with the above said petitioners/accused voluntarily and without any pressure, coercion or undue influence and they have no objection if the proceedings and FIR be quashed against the above said petitioners/accused, whereas ASI Charan Singh no.124 has given the information that FIR no.104 dated 25.07.2018, under section 307/279/337/427/506/148/149 IPC 1860 and Section 25/27 of Arms Act 1959, Police Station Sarhali, District Tarn Taran was registered on the statement of complainant/respondent no.2 Gurpreet Singh son of Sadhu Singh against five accused namely Gursartaj Singh alias Robin son of Ranjit Singh, Ranjit Singh son of Lakha Singh, Jasnoor Singh son of Gurbachan Singh (father name of Jasnoor Singh mentioned in the memo of parties i.e. Bhupinder Singh), Gurbachan Singh son of Gajan Singh, Jassi alias Jaswinder Kaur wife of Ranjit Singh, all resident of Village Chambal, Tehsil and District Tarn Taran along-with 5/6 unknown person. It is further informed that respondent no.3 Veerpal Kaur wife of Gurpreet Singh and respondent no.4 Harbhajan Kaur wife of Sadhu Singh are cited as eye witness in the present case and there is no other complainant in the present case except complainant Gurpreet Singh. ASI Charan Singh further informed that as per his record on other FIR is registered in the Police Station Sarhali against above said petitioner/accused and

no P.O proceedings is pending against the above said accused in the FIR No.104 dated 25.07.2018, Under sections 307/279/337/427/506/148/149 IPC and Section 25/27 of Arms Act, 1959, Police Station Sarhali, District Tarn Taran.

In view of the above said statements of parties, it appears that the compromise between the complainant/respondents and petitioners/accused is genuine one and without any pressure or coercion.

This information is being submitted as desired please.

*Sd/-(Anuradha), PCS,
Judicial Magistrate 1st Class,
Tarn Taran (U.I.code: PB0334)”*

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 petitioners has submitted that the petitioners were not declared proclaimed offender in the present case and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are correct.

Learned counsel for respondent Nos.2 to 4 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 petitioners and respondent Nos.2 to 4 have jointly submitted that the present case is a case of no injury and thus, offence under Section 307 of IPC is not prima facie made out.

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**”, 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.104 dated 25.07.2018 registered under Sections 307/279/337/427/506/148/149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Sirhali, District Tarn Taran (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

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

22.07.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**