

In the High Court for the States of Punjab and Haryana at
Chandigarh

Date of Decision: November 20, 2023

1. CRM-M-13567-2022

<i>Bahal Singh and others</i>	<i>... Petitioners</i>
<i>Versus</i>	
<i>State of Punjab and another</i>	<i>... Respondents</i>

2. CRM-M-13664-2022

<i>Rajveer Singh @Raj and others</i>	<i>..Petitioners</i>
<i>Versus</i>	
<i>State of Punjab and others</i>	<i>... Respondents</i>

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mayank Gupta, Advocate,
for Mr. Munish Bansal, Advocate,
for the petitioners (in CRM-M-13567-2022)
for respondent nos.2 to 5 (in CRM-M-13664-2022)

Mr. Hittan Nehra, Addl.A.G., Punjab.

Mr. Prince Goyal, Advocate,
for the petitioners (in CRM-M-13664-2022)
Mr. Mayank Gupta, Advocate
for Mr. Munish Bansal, Advocate,
for respondent no.2 (in CRM-M-13567-2022)

Vivek Puri, J.

1. In CRM-M-13567-2022, the petitioners are seeking to quash the FIR No. 196, dated 01.12.2014, under Sections 336/354/323/506/34 of the Indian Penal Code (for short 'IPC') and Section 27 of the Arms Act, registered at Police Station Nathana, District Bathinda and subsequent

proceedings arising therefrom, including judgment of conviction and order of sentence dated 24.02.2020, on the basis of compromise dated 08.03.2022 (Annexure P-7).

2. In CRM-M-13664-2022, the petitioners are seeking to quash the Rapat No. 24 dated 01.12.2014, under Sections 324, 323, 336, 34 IPC and Section 27 of the Arms Act in FIR No. 196, dated 01.12.2014, registered at Police Station Nathana, District Bathinda and subsequent proceedings arising therefrom, including judgment of conviction and order of sentence dated 24.02.2020, on the basis of compromise dated 08.03.2022.

3. Both the aforesaid matters have been listed together for hearing as the same have arisen out of one occurrence being a case of version and cross-version and are being decided by a common judgment

4. On 14.09.2023, the parties were directed to appear before the learned appellate Court to get the statements recorded and report was sought from the appellate Court with regard to the genuineness of the compromise.

5. In compliance of the order dated 14.09.2023, the learned Appellate Court has sent its report. The relevant portion of the report is reproduced as following:-

“1. Number of persons arraigned as accused in FIR:-

As per the record, four persons namely Bahal Singh, Jagtar Singh, Iqbal Singh and Tar Singh, were arraigned as accused in FIR case; And four persons namely Rajvir Singh @ Raj, Jagvir Singh @ Jagga, Lakhvir Singh @ Lakhu and Karamjit Kaur wife of Lakhvir Singh were arraigned as accused in DDR case, which is cross case of the FIR in question.

2. Whether any accused is proclaimed offender:-

From the statements of the accused persons of both FIR case as well as DDR case and that of SI Govind Singh, Investigating Officer in both FIR case as well as DDR case, it is evident that no accused has been declared as proclaimed offender, either in the present FIR or in any other FIR.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence:-

From the statements of the accused persons of both FIR case as well as DDR case as also that of both the complainants and the victims involved in this case, it is apparent that the compromise has been effected with the intervention of the respectable persons of the village, with their free will, without any pressure or coercion upon any of the parties and in order of maintain peace between the parties.

4. Whether the accused persons are involved in any other case or not:-

From the statement of SI Govind Singh afore mentioned as well as from the statements of the accused persons of both FIR case as well as DDR case, it is evident that the accused persons of both FIR case or DDR case, are not involved in any other case, except the present one.

5. The Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR:-

From the statement of SI Govinder Singh, Investigating Officer of both FIR case as well as DDR case, it is evident that in the FIR case, there is only one victim/complainant namely Karamjit Kaur wife of Lakhvir Singh, whereas in the DDR version, there are two victims i.e. Ajaib Singh (complainant) and Tar Singh.”

6. Learned counsel for the parties contend that it is a case of version and cross-version. The conviction has been recorded with regard to the offences under Sections 323/325/506 IPC in CRM-M-13567-2022 and the offences under Sections 323/325 read with Section 34 IPC in CRM-M-13664-2022. None of the injured has suffered any disability much less permanent disability. The dispute has been amicably settled between the parties in terms of compromise dated 08.03.2022. The parties are the residents of the same village and an amicable settlement will help in maintaining cordial relations between the parties in future.

7. The appeals against the judgment of conviction and order of sentence are stated to be pending in the Court of learned Sessions Judge, Bathinda. Two separate appeals have been preferred, one by petitioner nos. 1 and 2 and another by petitioner nos. 3 and 4 in CRM-M-13567-2022. A separate appeal has been preferred by the petitioners in CRM-M-13664-2022.

8. After hearing the learned counsel for the parties and going through record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at an out of the Court settlement by way of compromise dated 08.03.2022. The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

9. For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

10. In the decision rendered in **Sube Singh and another Vs. State of Haryana and another, 2013 (4)**

R.C.R. (Criminal) 102, the Division Bench of this Court has laid down as following:-

“17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.”

11. Furthermore, in the decision rendered in **Ramgopal and another Vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322**, it has been held by the Supreme Court that non compoundable criminal cases of pre-dominantly private nature can be quashed under Section 482 Cr.P.C. even if compromise is reached after conviction.

12. The matter has been amicably settled with the intervention of the respectables. The private parties are residents of the same village. In such circumstances, the compromise will go a long way in maintaining cordial and harmonious relations between the parties.

13. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, F.I.R. No. 196, dated 01.12.2014, under Sections 336/354/323/506/34 IPC, Section 27 of the Arms Act and rapat No. 24 dated 01.12.2014 under Sections 324, 323, 336/34 IPC and Section 27 of the Arms Act, registered at Police Station Nathana, District Bathinda and all other consequential proceedings arising therefrom, as well as, judgments of conviction and orders of sentence dated 24.02.2020 passed by the Court of learned Judicial Magistrate First Class, Bathinda in both the cases, vide which the petitioners have been convicted and sentenced, are ordered to be quashed. The petitioners (in both the aforementioned petitions) are acquitted and fine, if any, deposited be refunded. Furthermore, the appeals preferred by the petitioners against the judgments of conviction and order of sentence dated 24.02.2020 have been rendered infructuous and shall be so declared by the Court of Sessions, where the appeal is pending.

14. Resultantly, with the above-said observations made, both the afore-mentioned petitions stand allowed.

November 20, 2023

vkcd

[Vivek Puri]
Judge

Whether reasoned / speaking : Yes / No

Whether reportable : Yes / No