

CRM-M-4774-2022

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

(268)

CRM-M-4774-2022

Date of Decision:-**February 22, 2024**

Vishkaran Bawa @ Billa

.....Petitioner

Versus

State of Punjab and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Saurabh Kaushik, Advocate for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

Mr. Mandeep Kaushik, Advocate for respondent No. 2.

ALOK JAIN, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of **FIR No. 0046 dated 05.07.2021**, registered under **Sections 307** read with **Section 34** of Indian Penal Code, and **Section 25, 27** of the Arms Act, 1959, at Police Station Phool, District Bathinda (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 05.09.2021 (Annexure P-3).

2. At the outset, learned counsel for the parties have submitted that in fact, Section 307 IPC was deleted.

3. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 15.01.2024 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements

recorded in that regard. Pursuant thereto, a report dated 09.02.2024 has

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been received from the Sub-Divisional Judicial Magistrate, Phul, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

4. Learned State Counsel and learned counsel for respondent No. 2 admit the factum of compromise and submit that they have no objection to quashing of the FIR on that basis.

5. Perusal of the aforesaid report establishes that the parties have amicably settled their dispute, and continuance of criminal proceedings in such a situation will be an exercise in futility, as the chances of ultimate conviction are bleak. The power under Section 482 Cr.P.C. can be exercised in such matters. It has been held by Supreme Court of India in cases ***Gian Singh v. State of Punjab and another* 2012(10) SCC 303** and ***Narinder Singh and others v. State of Punjab and another* 2014(6) SCC 406** that criminal cases having overwhelmingly civil character, particularly those arising out of commercial transactions or matrimonial relationships or family disputes, should be quashed when the parties have resolved their disputes among themselves in a *bona fide* manner.

6. The Hon'ble Apex Court in the case of ***"State of Madhya Pradesh Vs. Laxmi Narayan"* (2019) 5 SCC 688**, has upheld that the High Court under Section 482 Cr.P.C. can quash the criminal proceedings in respect of non compoundable offences which are private in nature and do not have serious impact on society.

7. Keeping in view the law laid down by the Hon'ble Apex Court in the aforesaid judgment, it is crystal clear that the dispute where the wrong is basically private or personal in nature and the parties have resolved their entire dispute, the High Court will be within its jurisdiction to

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quash the criminal proceedings if it is known that because of compromise arrived at between the parties, there is remote possibility of securing conviction of the accused. In fact, in such cases, the Supreme Court has clearly observed that it would amount to extreme injustices, if despite settlement having been arrived at between the parties, the criminal proceedings are allowed to continue.

8. Consequently, this petition is allowed. **FIR No. 0046 dated 05.07.2021**, registered under **Sections 307** read with **Section 34** of Indian Penal Code, and **Section 25, 27** of the Arms Act, 1959, at Police Station Phool, District Bathinda (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioner, subject to payment of cost of Rs. 10,000/- to be deposited by the petitioner and Rs. 10,000/- to be deposited by respondent No.2 within one month from today in ***Poor Patients Welfare Fund, PGIMER, Chandigarh.***

(ALOK JAIN)
JUDGE

February 22, 2024
Parul

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