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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31431-2024
Date of Decision : 06.09.2024

Karan Masih @ Karan and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Raj Kumar Arya, Advocate
for the petitioners

Mr. Ravinder Singh, AAG Punjab

Ms. Jagdeep Kaur, Advocate
for respondents No. 2 and 3

KIRTI SINGH, J.(Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0058, dated 07.06.2024, registered under Sections 307, 452, 323, 34 IPC and Section 25 of Arms Act, 1959 at Police Station Kalanaur, District Gurdaspur (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of the compromise dated 10.06.2024 (Annexure P-2).
2. Heard learned counsel for the parties and also gone through the case file.
3. This Court while issuing notice of motion vide order dated 05.07.2024, directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise.
4. Pursuant to the aforesaid order, report dated 07.08.2024 has been



received from the Judicial Magistrate 1st Class, Gurdaspur. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion.

5. The Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, 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 view that the same was 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.

6. Hon'ble the Supreme Court in the case of ***Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543***, had 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 reads thus:-

“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. ”



7. The Hon'ble Supreme Court has held in the matter of “**Narinder Singh and others Vs. State of Punjab and another**”, 2014(2) RCR (Criminal) 482, as under:-

“(vi) Offences under Section 307 I.P.C. would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 I.P.C. in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 I.P.C. is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 I.P.C. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.”

8. Further reliance can be placed on the orders passed by the Coordinate Bench of this Court in the cases of “**Santram and another vs. State of Haryana and others**”, CRM-M-3772-2023 and “**Rupinder Singh @ Rupi and another vs. State of Punjab and another**”, CRM-M-63500-2023.



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9. In view of the afore-referred judgments, perusing the report of the trial Court regarding amicable settlement between the petitioners and the complainant, this Court finds that quashing the FIR will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed

10. Resultantly, the present petition is allowed and FIR No.0058, dated 07.06.2024, registered under Sections 307, 452, 323, 34 IPC and Section 25 of Arms Act, 1959 at Police Station Kalanaur, District Gurdaspur (Annexure P-1) and all other consequential proceedings are quashed qua the petitioners on the basis of the compromise dated 10.06.2024 (Annexure P-2), ***subject to the costs of Rs. 10,000/- to be deposited in the Poor Patient Welfare Fund, PGIMER, Chandigarh within one month.***

06.09.2024

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(KIRTI SINGH)
JUDGE

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