
(2021) 03 P&H CK 0454

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 27630 Of 2020(O&M)

Rajvir Singh And Others

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 05-03-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 148, 149, 307, 309, 323, 324, 379B, 399, 452, 506

Excise Act, 1914 — Section 61

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 22

Citation : (2021) 03 P&H CK 0454

Hon'ble Judges : Suvir Sehgal, J

Bench : Single Bench

Advocate : N.S.Dandiwal, Randhir Singh Thind, Kuldip Singh Saini

Final Decision : Allowed

Judgement

Suvir Sehgal, J

CRM-2865-2021

Application is allowed.

Annexures P-5 to P-7 are taken on record.

Main case

The instant petition has been filed for quashing of FIR No.23 dated 22.03.2020, registered under Sections 307, 324, 323, 379-B, 34 of Indian Penal Code, 1860 at Police Station Smalsar, District Moga, Annexure P-1, on the basis of Panchayati compromise, dated 10.04.2020, Annexure P-3, arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioners submits that the offence under Section 307 is not made out as both the injuries suffered by the complainant are on the non-vital parts of his body and there was no intention to cause death.

Vide order dated 14.09.2020, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded regarding the compromise and a report was called for from the Court.

After recording the statements of the accused-petitioners and complainant-private respondent, the Additional District & Sessions Judge, Moga, has submitted the report, the relevant extract of which is as under:

"1. In reply to para No.1 it is submitted that as per statement of complainant Deepak Lal, Investigating Officer SI Vakeel Singh and FIR three accused namely Anish Kumar, Rajveer Singh and Kuldeep Singh stands arrayed as accused. These three accused have appeared before me and have also made statements enclosed herewith. As reported by Investigation Officer no accused is absconding/ P.O. in this case.

2. In reply to para No.2 it is submitted that name of complainant is Deepak Lal. It is reported by Investigating Officer as well as complainant that complainant Deepak Lal is the only injured and aggrieved person in present FIR. Complainant has got recorded statement before me in support of compromise. His statement is lying enclosed herewith.

3. The trial is fixed for 20.10.2020 for consideration on charge.

4. In the light of statement suffered by complainant Deepak Lal it is apparent that complainant had entered into compromise qua present complaint with accused without any inducement, threat, pressure and coercion and out of his free will and volition in the interest of maintaining peaceful relations with accused in the coming time and to remove any lingering acrimony in their minds in future and in order to buy peace and in the interest of long lasting relations with accused and has categorically stated that he has no objection in case accused is acquitted and FIR in question is quashed. All the three accused have also supported the compromise.

5. In reply to para No.4 it is submitted that in view of statement of Investigating Officer the accused namely Anish Kumar and Kuldeep Singh are not involved in any other FIR or criminal case. However three other criminal cases in addition to present case were registered against co-accused Rajveer Singh i.e. FIR bearing No.90 dated 21.12.2015 under Sections 307, 452, 506, 148, 149 IPC and 25 of Arms Act Police Station Smalsar. Wherein Cancellation has been accepted by Hon'ble Court; FIR No.91 dated 21.12.2015 under Section 61 of Excise Act, Police Station Smalsar. Wherein accused Rajvir Singh stands convicted in this case; and FIR No.35 dated 14.06.2018 under Sections 399(and not 309), 402 IPC and 25 of Arms Act and Section 22 of NDPS Act, Police Station Smalsar. Wherein trial is pending before the court of Ms. Sonia Kinra, learned Additional Sessions Judge, Moga."

Counsel for the petitioners has made a reference to Annexures P-5 to P-7 to submit that insofar as the other three cases pending against him are concerned,

cancellation report has been filed in FIR No.90, dated 21.12.2015, registered under Sections 307, 452, 506, 148, 149 IPC and 25, 27, 54, 59 of Arms Act, at PS Samalsar and the petitioner has been declared innocent in FIR No.91 dated 21.12.2015, registered under Sections 61 of Punjab Excise Act, PS Samalsar. Counsel submits that the third case FIR No.35, dated 14.06.2018, has been registered under Section 399, 402 of IPC and 25 of Arms Act, at PS Samalsar is pending trial.

Supreme Court in *Gian Singh Versus State of Punjab and another*, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. A Full Bench of this Court in case *Kulwinder Singh vs. State of Punjab and another*, 2007(3) RCR (Criminal) 1052 and Division Bench of this Court in case *Sube Singh and another vs. State of Haryana and another*, 2013(4) RCR (Criminal) 102 held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving noncompoundable offences.

Counsel for the parties are also ad idem that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.23 dated 22.03.2020, registered under Sections 307, 324, 323, 379-B, 34 of Indian Penal Code, 1860 at Police Station Smalsar, District Moga, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.