

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.2311 of 2021
Date of Decision : 27.05.2021

Jaspreet Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Amarpreet Singh, Advocate for the petitioners.

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

Mr. Arshdeep Singh Khaira, Advocate for respondent Nos.2 and 3.

B.S. Walia, J.

1. Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.190 dated 14.09.2020, registered under Sections 341, 323, 148, 149 IPC, 1860, at Police Station Talwandi Sabo, District Bathinda, along with all consequential proceedings emanating therefrom, on the basis of compromise, Annexure P/2 dated 31.12.2020.

2. Learned counsel contends that FIR No.190 dated 14.09.2020, under Sections 341, 323, 148, 149 IPC was registered at Police Station Talwandi Sabo, District Bathinda against the petitioners on the allegations that they had beaten up respondent Nos.2 and 3 on 12.09.2020. However, with the intervention of respectable persons and elders of the village as well as relatives, the parties had amicably settled the matter vide compromise Annexure P-2 dated 31.12.2020, and as a result thereof did

not bear any grudge against each other nor want to pursue the case, therefore the instant petition.

3. Vide order dated 18.01.2021, the parties were directed to put in appearance before the learned Illaqa Magistrate / Duty Magistrate concerned on 27.01.2021 for recording of their statements in view of compromise Annexure P-2 dated 31.12.2020. Pursuant thereto, the parties appeared before the learned Judicial Magistrate, 1st Class, Talwandi Sabo on 27.01.2021 whereupon statements of the petitioners as also respondent Nos.2 and 3 i.e. Gurpreet Singh and Happy Singh were recorded that the dispute had been compromised between the parties voluntarily, without any threat, coercion or undue influence and that they had no objection if the aforementioned FIR was quashed on the basis of the compromise. Investigating Officer, SI Gurjant Singh, posted at Police Station Talwandi Sabo, made a statement that apart from five accused named in the FIR, no other person had been nominated as accused nor had any person been declared as proclaimed offender, challan had not been presented, there was no cross case and that as per the parties, compromise effected between them was genuine, voluntary and without any coercion or undue influence. Accordingly, report has been submitted by the learned Judicial Magistrate, 1st Class, Talwandi Saboo that the compromise between the parties is genuine, voluntary and without any coercion or undue influence.

4. Learned Counsel for the petitioners has relied upon the decision of Hon'ble the Full Bench of this Court in **Kulwinder Singh and Ors. Vs. State of Punjab and Anr., 2007 (3) RCR (Criminal) 1052** to the effect that the High Court has wide powers to quash proceedings even in non compoundable offences notwithstanding the bar under Section 320,

Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice. Relevant extract of the same is reproduced as under :-

“39. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

40. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.”

5. Learned State counsel as well as learned counsel for the parties also support the prayer for quashing of the aforementioned FIR and all consequential proceedings emanating therefrom / connected therewith and state that they have no objection if the aforementioned FIR and all consequential proceedings emanating therefrom / connected therewith are quashed on the basis of amicable and complete settlement of the dispute

between the parties with the intervention of respectable persons, elders of village as well as family members.

6. In view of compromise Annexure P-2 dated 31.12.2020, statements of the parties recorded before the learned Judicial Magistrate, 1st Class, Talwandi Sabo besides report submitted by the learned JMIC, Talwandi Sabo, the possibility of conviction of the petitioners in the case is remote and bleak. In the circumstances, continuation of the criminal case against the accused despite full and complete settlement between the parties would be an exercise in futility. Accordingly, in order to secure the ends of justice, it would be appropriate to put an end to the criminal case.

7. In view of the position as noted above, there is no impediment to this Court exercising its inherent powers under Section 482 Cr.P.C. to quash the aforementioned FIR and all consequential proceedings emanating therefrom / connected therewith as no useful purpose would be served by prolonging the litigation.

8. Accordingly, in the light of the position as noted above, FIR No.190 dated 14.09.2020, registered under Sections 341, 323, 148, 149 IPC, 1860, at Police Station Talwandi Sabo, District Bathinda, along with all consequential proceedings emanating therefrom / connected therewith / arising out of the aforesaid FIR are quashed.

9. Criminal misc. petition allowed in aforementioned terms.

(B.S. Walia)
Judge

May 27, 2021

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Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No