

CRM-40357-2021 in/and  
CRM-M-1288-2019

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

(113)

CRM-40357-2021 in/and  
CRM-M-1288-2019.  
Date of Decision:-02.12.2021.

Jinder Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

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Present: Mr. Amaninder Singh Sekhon, Advocate for the applicant/  
petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Ms. Bhupinder Kaur, Advocate for the complainant/  
Respondent No.2.

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**VIKAS BAHL, J. (Oral)**

**CRM-40357-2021**

This is an application for early hearing of the case which is  
now listed for 25.04.2022 to an early date.

Learned counsel for the applicant/petitioner as well as the  
complainant have submitted that in the present case, compromise has been  
effected and the statements have been recorded and, thus, the present  
application be allowed and the case be taken up for disposal today itself.

Learned State counsel has submitted that he has no objection  
in case the present application is allowed.

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Accordingly, the present application is allowed and the main case is taken up on board today itself for disposal.

**CRM-M-1288-2019**

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.128 dated 08.09.2018, registered under Sections 420/406/120-B of IPC at Police Station Sadar Raikot, Ludhiana Rural, District Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise/affidavit dated 26.10.2018 (Annexure P-2).

On 25.03.2019, a Co-ordinate Bench of this Court was pleased to pass the following order:-

*“Ms.Bhupinder Kaur, Advocate, has filed Vakalatnama in the Court on behalf of respondent No.2, which is taken on record.*

*It has been pointed out by both the sides that the matter has been compromised.*

*In view of the above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 24.04.2019 to record their statements with reference to the compromise, if any, entered into between them.*

*Petitioners will file their respective affidavits that there is no other criminal case pending against them and also give the details of any other FIR(s), which have already been quashed on the basis of compromise.*

*Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if*

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*any, and submit a report alongwith the statements to this Court before the next date of hearing containing the following information:-*

*(i) Whether the statements of the parties are bonafide and are not result of any pressure or coercion etc. in any manner?*

*(ii) Whether the compromise effected between the parties is genuine and valid?*

*(iii) Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).*

*(iv) Whether any other case is pending against either of the parties or not, if yes, the details thereof?*

*(v) Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?*

*(vi) Whether any of the petitioner(s) is/are previous convict or not?*

*List before this Court on 13.05.2019 for further consideration. Meanwhile, learned State counsel shall also get the instructions in the matter as to whether the State has any objection or not?*

*Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”*

In pursuance of the said order, the report has been submitted by the Judicial Magistrate 1<sup>st</sup> Class, Jagraon to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

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*“Most humbly, it is submitted that in compliance of order dated 25.03.2019 passed by Hon’ble Ms. Justice Mahabir Singh Sindhu, Punjab and Haryana High Cour, Chandigarh, CRM-M-1288-2019 titled “Jinder Singh and others Vs. State of Punjab and another, vide which the undersigned has been directed to record the statements of parties with regard to the compromise effected between them as per order dated 25.03.2019, in compliance of the same, separate statement of respondent/complainant Rajdeep Singh was recorded. As per his statement he has compromise the matter with petitioners/accused with statement he has compromised the matter with petiitners/accused with his free Will and without any pressure and also stated he has no objection if FIR registered atainst petitioners be quashed. He has placed on record copy of affidavit mark A and copy of Adhar card Ex.C1. Statement of petitioners/accused also recorded regarding compromise and theyhave also placed on record affidavit mark B, photocopy of General power of attorney Mark C, special power of attorney mark D, Self attested copy of Adhar card of Balvir Kaur Ex.22 and Jinder Singh Ex. C3. As per statement of parties, the compromise appears to be voluntary and genuine. Further, the undersigned was asked whether any accused was proclaimed offender in the present case. In this regard, as per statement of petiitners none of the accused was prloclaimed offender in the present case.*

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*Further, the undersigned was asked whether any other case is pending against either of the parties or not and also asked whether any of the petitioners are previous convict or not. In this regard, report of Naib court concerned was called and as per his report no other case is pending against either of the parties except the present case. He further submitted that no one petitioners was previously convicted in other case.*

*This information is being submitted as desired please.*

*Sd/-*

*(Reeta Hans),  
Judicial Magistrate, Ist Class,  
Jagraon U.I Code PB0425”*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with their own free will and without any coercion. The compromise has been found to be genuine and valid. As per the said report, it has been observed that none of the persons have been declared as proclaimed offenders in the present case and no other case is pending between the parties.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they were not declared proclaimed offender in the present case. Learned counsel for the State, as per

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instructions, has stated that this fact is correct.

Learned counsel for respondent Nos.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the learned trial Court, this Court finds that the matter has been amicably settled between the petitioners and the complainant. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in ***“Kulwinder Singh and others Vs State of Punjab”***, 2007 (3) RCR (Criminal) 1052, it is 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 feel 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.

Hon'ble the Apex Court in the case of ***“Gian Singh Vs. State of Punjab and another”***, 2012 (4) RCR (Criminal) 543, had also 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 is reproduced hereinbelow:-

***“57. The position that emerges from the above***

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*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---XXX”*

In view of what has been discussed hereinabove, this petition is allowed and FIR No.128 dated 08.09.2018, registered under Sections 420/406/120-B of IPC at Police Station Sadar Raikot, Ludhiana Rural, District Ludhiana (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

**(VIKAS BAHL)**  
**JUDGE**

**December 02, 2021.**

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No