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

CRM-M-3046-2020 (O&M)
Date of decision : 17.08.2021

Avtar Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Veneet Sharma, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Deepak Aggarwal, Advocate for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing the complaint case bearing COMA No.361 of 2017 dated 08.08.2017 (Annexure P-1) titled “Labha Singh Vs. Avtar Singh and others” and all consequential subsequent proceedings arising therefrom on the basis of the compromise dated 16.12.2019 (Annexure P-2).

When the matter came up before a Co-ordinate Bench of this Court on 31.01.2020, the following order was passed:-

“Learned counsel for the petitioners while referring to Annexure P-2 has contended that a compromise has been effected between the parties and prayed for quashing of

complaint case bearing COMA No.361/2017 dated 08.08.2017 titled as 'Labha Singh Vs. Avtar Singh and others' and all subsequent proceedings arising therefrom.

Notice of motion.

On the asking of the Court, Mr. Arun Kaundal, DAG, Punjab accepts notice on behalf of respondent No.1-State.

At this stage, Mr. Deepak Aggarwal, Advocate has appeared and filed his power of attorney on behalf of respondent No.2 and has admitted the factum of compromise.

Copies of the paper book have been supplied to the learned counsel for the respondents.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 05.02.2020 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing i.e. 28.02.2020 containing the following information :-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. Current stage of the case.*

The trial Court/Illaq Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.”

In pursuance of the said order, a report has been submitted by the Judicial Magistrate Ist Class, Amritsar to the Deputy Registrar (Criminal) of this Court. The said report is reproduced hereinbelow:-

“Respected Sir,

1. In reference to your honour's order dated 31.01.2020 passed by Hon'ble Mr.Arun Kumar Tyagi, Judge, Punjab and Haryana High Court, Chandigarh in the subject cited above Criminal Miscellaneous, it is most respectfully submitted that Hon'ble Mr. Arun Kumar Tyagi Judge, Punjab and Haryana High Court, Chandigarh has passed an order dated 31.01.2020 for recording statements of parties in the above said Criminal Miscellaneous.

2. In pursuance of the order passed by the Hon'ble Court in the above mentioned Criminal Miscellaneous, I have the honour to submit that on 10.02.2020, accused/petitioner Avtar Singh, Gurpreet Singh, Rajwinder Singh and Gurinder Singh appeared before the court of the undersigned. The statement of respondent/complainant Labh Singh was got recorded to the effect that the matter has been compromised between the accused and the complainant. They placed on record photocopy of compromise as Ex.C1. The accused vide separate statements also stated that they have effected the compromise with the complainant. Both the accused and the complainant stated that the compromise has been effected voluntarily, without any pressure, coercion or undue influence.

3. I have the honour to submit that I have gone through the statements given by the parties and asked various questions to know whether any compromise has been effected between the parties. I am satisfied that compromise has been effected between the accused and complainant is without any pressure, coercion, threat or undue influence. The sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony. As directed by your goodself the report is as under:-

1. There are four accused in the complaint as per the complaint of the complainant.

2. *None of them is proclaimed offender.*
3. *The compromise is genuine, voluntary and without any coercion and undue influence.*
4. *The accused persons are not involved in any other case as per the separate statements of the accused.*
5. *The complaint is fixed for appearance of complainant as on the last day of hearing the complainant was absent from the court.*

Report is submitted for your kind perusal.

Thanking you.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been compromised and they have no objection in case the complaint case is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that this fact is correct.

Learned counsel for respondent No.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 two 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, thus, the possibility of conviction is remote and the continuation of the criminal case would only strain the relationship between the petitioners and the complainant.

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 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”

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

In view of what has been discussed hereinabove, the petition is allowed and complaint case bearing COMA No.361 of 2017 dated 08.08.2017 (Annexure P-1) titled “Labha Singh Vs. Avtar Singh and others” and all consequential subsequent proceedings arising therefrom on the basis of the compromise dated 16.12.2019 (Annexure P-2), are ordered to be quashed, qua the petitioners.

17.08.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No