

231-A

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

CRM-M-3009-2020 (O&M)
Date of decision : 17.08.2021

Navdeep Singh @ Goldy

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Veneet Sharma, Advocate for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.344 dated 04.08.2016 registered under Sections 295A, 332, 353, 506, 34 of IPC, and Section 25, 27 and 29 of the Arms Act, 1959 registered at Police Station Civil Lines, Amritsar City, District Amritsar and all 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 petitioner while referring to Annexure P-2 has contended that a compromise has been effected between the parties and prayed for quashing of FIR No.344 dated 04.08.2016 registered under Sections 295A, 332, 353 and 506 read with Section 34 of the Indian Penal

Code, 1860 and Sections 25, 27 and 29 of the Arms Act, 1959 at Police Station Civil Lines, Amritsar City, District Amritsar 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. Veneet Sharma, 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/Illaqa Magistrate on 05.02.2020 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaqa 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 in FIR.*
- 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 is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

Trial Court/Illaqa 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 Chief Judicial Magistrate, Amritsar to the Assistant Registrar (Criminal)

of this Court. The said report is reproduced hereinbelow:-

“Subject:- CRM-M No.3009 of 2020, titled as 'Navdeep Singh @ Goldy Vs. State of Punjab & another.' FIR No.344 dated 04.08.2016 under Section 295A, 332, 353, 506, 34 of IPC 25, 27, 29 of Arms Act, Police Station Civil Lines Amritsar, fixed for 28.02.2020.

Sir,

It is respectfully submitted that in compliance of order dated 31.01.2020 of Hon'ble High Court passed in CRM-M No.3009 of 2020, titled as 'Navdeep Singh @ Goldy vs. State of Punjab & another', petitioner Navdeep Singh @ Goldy son of Davinder Singh as well as respondent Avtar Singh son of Desa Singh, recorded their statements before this Court on 10.02.2020 with regard to their compromise. Complainant Avtar Singh has stated that he has got registered FIR No.344 dated 04.08.2016 under Section 295A, 332, 353, 506, 34 of IPC 25, 27, 29 of Arms Act, Police Station Civil Lines Amritsar, against the accused and now with the intervention of respectable persons, he has arrived at a compromise with the said accused voluntarily and without any kind of threat, fear or pressure.

Statement of Investigating Officer ASI Rajesh Kumar has also been recorded who has stated that there is only one accused namely Navdeep Singh @ Goldy and one complainant namely Avtar Singh in the FIR. Accused has not been declared as proclaimed offender. Accused is not involved in any other case except the present case. The offences under Section 295A, 332, 353, 506, 34 IPC and 25, 27, 29 of Arms Act were deleted vide rapat No.51 dated 06.04.2019. Now, challan in this case under Section 295 of IPC has been presented against the accused and is pending in the Court of Sh. Rajan Aneja, Ld. Judicial Magistrate, Ist Class, Amritsar for 20.02.2020 for consideration on charge.

Hence, report on the information sought by Hon'ble High

Court is submitted as under:-

1. *Number of persons arrayed as accused in FIR.*

Only one person namely Navdeep Singh @ Goldy is arrayed as accused in FIR.

2. *Whether any accused is proclaimed offender.*

Accused has not been declared as proclaimed offender.

3. *Whether the compromise is genuine, voluntarily and without any coercion or undue influence.*

From the statements of the petitioner/accused and the complainant/respondent, this Court is of the opinion that their compromise is genuine and voluntary and is without any coercion or undue influence.

4. *Whether the accused person are involved in any other case or not.*

As per statement of Investigating Officer, accused is not involved in any other case.

5. *Current stage of the case.*

Challan in this case under Section 295 of IPC has been presented against the accused and is pending in the Court of Sh. Rajan Aneja, Ld. Judicial Magistrate, Ist Class, Amritsar for 20.02.2020 for consideration on charge.

The report as well as statements of the parties is submitted for kind perusal of the Hon'ble High Court.

Submitted please."

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 FIR 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 petitioner has submitted that the

petitioner was 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 petitioner 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 petitioner 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 FIR No.344 dated 04.08.2016 registered under Sections 295A, 332, 353, 506, 34 of IPC, and Section 25, 27 and 29 of the Arms Act, 1959 registered at Police Station Civil Lines, Amritsar City, District Amritsar and all 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