

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

210

CRM-M-7435-2020 (O&M)

Decided on : 01.10.2021

Gurpinder Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Jaswinder Singh Waraich, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Damanjeet Bhoriwal, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 8 dated 20.01.2020 registered under Sections 336, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act, 1959 registered at Police Station Sadar Malout, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 25.01.2020 (Annexure P-2).

When the matter came up before this Court on 17.08.2021, the following order was passed:-

“CRM-24820-2021

This is an application for preponing the date of hearing in the main case in view of the fact that the matter has been compromised. The case is stated to be listed for 01.11.2021.

Notice of the application.

Mr. Saurav Khurana, learned Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1-State. Mr. Damanjeet Bhoriwal, Advocate, accepts notice on behalf of respondent No.2. In view of the fact that the matter has been compromised, the application is allowed and the matter is preponed and taken up on Board today itself.

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Learned counsel for the petitioner has submitted that in the present case, the matter has been compromised as per the compromise deed dated 25.01.2020 (Annexure P-2). No injury has been caused in the present case and all the accused have filed the present petition jointly. Learned counsel for the petitioner has further relied upon the judgments reported as 2011 (3) R.C.R. (Criminal) 407 and 2019 (2) Law Herald 1678 to argue that FIR under the Arms Act has also been quashed by this Court on the basis of compromise.

Notice of motion for 01.10.2021.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of two weeks.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing 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 FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR. ”*

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Malout to the Registrar (Judicial) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“I have also gone through the relevant record. After valuating the record and from the statements of the parties, report is submitted as under;

(i) *That as per statement of IO and FIR on record, there are four persons arrayed as accused;*

(ii) *That as per statement of IO, no accused is declared proclaimed offender;*

(iii) *that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence;*

(iv) *As per statement of accused Gurbinder Singh son of Jinderpal Singh, an FIR No. 240 dated 18.11.2017, under Section 324, 326, 323, 506, 148, 149 IPC, P.S. City Sri Muktsar Sahib was registered against him, but, during inquiry he was declared innocent and Challan has not been presented against him;*

(v) *That as per the statement of IO and FIR on record, there is only one victim/complainant in the FIR*

Hence, the report is submitted please.”

A perusal of the said report would show that although, it has been stated that there is another case against petitioner no. 1 and he has been declared innocent in the same but it has also been recorded that as far as the present case is concerned, 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 petitioners has submitted that none of the petitioners were 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-complainant 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.

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”

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the 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.

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 8 dated 20.01.2020 registered under Sections 336, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act, 1959 registered at Police Station Sadar Malout, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise arrived at

between the parties, vide affidavit dated 25.01.2020 (Annexure P-2), are ordered to be quashed, qua the petitioner.

Pending miscellaneous application, if any, shall also stands disposed of, in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

01.10.2021
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No