

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

229-A

**CRM-M-10632-2021
Decided on : 15.11.2021**

Mangal Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Manpreet Singh, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. J. S. Brar, Advocate for
Mr. B. S. Sidhu, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 106 dated 30.11.2020 registered under Sections 452, 336, 325, 323, 506, 148 and 149 of the Indian Penal Code, 1860 (Sections 307 of IPC and 25, 27 of Arms Act, 1959 were added later on) registered at Police Station Mehna, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 09.02.2021 (Annexure P-2).

When the matter came up before a Coordinate Bench of this Court on 08.03.2021, the following order was passed:-

“The petitioners have filed present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.106 dated 30.11.2020 registered under

Sections 452, 336, 325, 323, 506 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Mehna, District Moga to which Section 307 of the IPC and Sections 25 and 27 of the Arms Act, 1959 were added later on and all subsequent proceedings arising therefrom on the basis of compromise dated 09.02.2021.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Ajay Pal Singh DAG, Punjab has appeared and accepted notice on behalf of respondent No.1-State.

Mr. Bikramjeet Singh Sidhu, Advocate has appeared on behalf of respondent No.2 and undertakes to file his power of attorney in the Registry.

Learned Counsel for respondent No.2 admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 06.04.2021 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 12.05.2021 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/Illaq Magistrate is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

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.

Reply by respondent No.1-State be filed on the date of hearing fixed, if so desired. ”

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

“As desired by the Hon'ble High Court the point wise report is submitted below:-

- 1. In this case total 7 persons were arrayed as accused who are petitioners in the present petition.*
- 2. No accused person has been declared as Proclaimed Offender in this case.*
- 3. The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.*
- 4. As per the statements of accused persons they are not involved in any other case.*
- 5. Now the case is fixed for framing of Charge.*

As per the statement of Investigating Officer ASI Sulakhan Singh No. 806/Moga, PS Mehna, District Moga, there is only one victim/complainant namely Sarabjit Singh, who is respondent No. 2 in the present case.

Hence the report.

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 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 respective parties are *ad idem* on the fact that in the present case, the injuries which have been attributed are on the non vital parts i.e. left hand, arm and leg and thus, Section 307 IPC has been wrongly invoked in the present case.

Learned Counsel for the petitioners has submitted that the 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 reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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 petitioner 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 is of the opinion that the same is 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”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 106 dated 30.11.2020 registered under Sections 452, 336, 325, 323, 506, 148 and 149 of the Indian Penal Code, 1860 (Sections 307 IPC and 25, 27 of Arms Act, 1959 were added later on) registered at Police Station Mehna, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 09.02.2021 (Annexure P-2), are ordered to be quashed, qua the petitioners.

15th November, 2021

Mehak

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No