

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9862-2020

Date of decision : 14.12.2021

Harpreet Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

Ms. Vibha, Advocate for complainant-respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.0008 dated 22.01.2020 registered under Sections 323, 324 and 326 IPC at Police Station Behram, District SBS Nagar and all other consequential proceedings arising therefrom, on the basis of compromise dated 22.02.2020 (Annexure P-2).

On 27.10.2021, this Court was pleased to pass the following order:-

“CRM-34874-2021

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case from 07.01.2022 to an early date.

Notice in the application.

On advance notice, Mr. A.K. Kaundal, DAG, Punjab, appears and accepts notice on behalf of the

non-applicant/State of Punjab and Ms. Vibha, Advocate appears on behalf of complainant-respondent No.2 and have submitted that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed from 07.01.2022 to today itself.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the main petition is taken on Board today itself.

Main case

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.8 dated 22.01.2020 registered under Sections 323, 324, 326 of the Indian Penal Code, 1860 at Police Station Behram, District SBS Nagar and all the subsequent proceedings arising therefrom on the basis of compromise.

In the present case, the matter has been compromised and accordingly, the parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.

Adjourned to 30.11.2021.

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.”*

Thereafter when the report was not submitted on 30.11.2021, this Court had directed the Illaqa Magistrate / trial Court to submit report.

In pursuance of the said order, a report has been submitted by the Judicial Magistrate Ist Class, Shaheed Bhagat Singh Nagar. The relevant portion of the said report is reproduced hereinbelow:-

“ the following report is submitted for kind perusal:

- 1. Only one accused namely Harpreet Singh is arrayed as accused.*
- 2. No accused is a proclaimed offender in the present case.*
- 3. The compromise is genuine, voluntary, without any coercion and without any undue influence.*
- 4. Accused is not involved in any other FIR.*
- 5. Statement of the Investigating Officer namely SI Pavittar Singh has also been recorded and there is only one victim/complainant namely Avtar Singh.*

Statement of both the parties as well as statement of Investigating Officer along with report as submitted above, is being sent for Your Honour's kind perusal.”

A perusal of the above said report would show that the compromise in the present case has been found to be genuine, voluntary, without any coercion and without any undue influence.

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and was not declared proclaimed person / offender in the present case. The said facts have been reaffirmed by the learned counsel for the State.

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 parties. He has, thus, prayed that FIR and subsequent

proceedings may be quashed.

Learned counsel for the State has stated that he has no objection in case the FIR is quashed on the basis of compromise.

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 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, this petition is allowed and FIR No.0008 dated 22.01.2020 registered under Sections 323, 324 and 326 IPC at Police Station Behram, District SBS Nagar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

December 14, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No