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

CRM-29073-2021 and
CRM-29077-2021 in/and
CRM-M-14385-2021 (O&M)
Date of decision : 15.09.2021

Amandeep Kaur and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sukhdeep Singh Bhinder, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Harkirat Singh Bhogal, Advocate
for respondent No.2/complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

CRM-29073-2021

This is an application filed under Section 482 of Cr.P.C. for
placing on record statement dated 21.05.2021 as Annexure P-4.

For the reasons stated in the application, the same is allowed.

Statement dated 21.05.2021 (Annexure P-4) is taken on
record, subject to all just exceptions.

CRM-29077-2021

This is an application filed under Section 482 of Cr.P.C. for

preponement of date of hearing in the main case to an early date.

Learned counsel for the applicants-petitioners has submitted that in the main case which is stated to be listed for 20.12.2021, compromise has been effected and the statements of the parties have also been recorded.

Notice in the application.

On advance notice, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of the State and Mr. Harkirat Singh Bhogal, Advocate appears on behalf of respondent No.2-complainant and on a pointed query put by this Court, they submit that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed to today and is taken up on Board today itself for disposal.

In view of the abovesaid facts and also in view of no objection from the respondents, the present application is allowed and the date of hearing in the main case is preponed from 20.12.2021 to today and is taken up on Board today itself for disposal.

Main case

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.188 dated 17.12.2020 registered under Section 420 of the Indian Penal Code, 1860 at Police Station Chamkaur Sahib, District Rupnagar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of the compromise (Annexure P-2).

On 31.03.2021, the Coordinate Bench of this Court was pleased to pass the following order:-

“This is a petition for quashing of FIR on the basis that a compromise has been entered into between the parties.

Notice of motion for 28.05.2021.

At this stage, Mr. R.S. Khaira, AAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of respondent No.1-State. Similarly, Mr. Harkirat Singh Bhogal, Advocate accepts notice on behalf of complainant/respondent No.2 and admits to the factum of compromise.

Service is complete.

In the meantime, the parties are directed to appear before the learned trial Court/Illaq Magistrate on 28.04.2021 or any other date convenient to the trial court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial court/Illaq Magistrate, is directed to send the report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 28.05.2021.

A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

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

“Accordingly, the statements were recorded in

compliance of orders dated 31.3.2021 passed by Hon'ble High Court in case CRM-M-14385-2021 whereby, this Court has been directed to record statements of parties and to send the report by next date.

Complainant Harpal Singh son of Prem Singh R/o Village Bhoje Majra Tehsil Chamkaur Sahib and accused Amandeep Kaur wife of Jatinder Singh and Baljit Kaur wife of Surinder Singh R/o both resident of H.No.3127, Sector 71, SAS Nagar, Mohali appeared before this Court on 21.5.2021 and suffered their statements with regard to compromise effected between them.

Complainant Harpal Singh has deposed that above FIR was registered on his statement against accused Amandeep Kaur and Baljit Kaur. In present case, compromise has been effected with his free consent and without any pressure. He has no objection if above FIR against above accused is quashed by Hon'ble High Court. He annexed copy of his Aadhar card as mark A and copy of compromise mark X.

Accused Amandeep Kaur and Baljit Kaur jointly deposed that they have compromised with complainant Harpal Singh son of Prem Singh R/o Village Bhoje Majra, Tehsil Chamkaru Sahib District Rupnagar in present FIR with their free consent and will. There is no pressure upon them. They have never been declared proclaimed offender in this case during trial. Copy of compromise mark X, copy of Aadhar card of Amandeep Kaur is mark Y and copy of Aadhar card of Baljit Kaur mark Z.

Further statement of investigating officer SI Swati Dhiman has also been recorded today to ascertain status of proclaimed offender if any in the case. She suffered a

statement today in the court that accused namely Amandeep Kaur and Baljit Kaur in the present case have not been declared proclaimed offender as per official record.

After going through the statements of the parties, it appears that compromise effected between them is genuine, voluntary and without any coercion or undue influence from any side. Accused were never declared as proclaimed persons and no such proceeding is pending against any accused.

Submitted please.

Please find enclosed herewith:-

Original statements of complainant Harpal Singh and accused Amandeep Kaur and Baljit Kaur alongwith their copy of ID proof (i.e. Aadhar Card mark A and mark Y Mark Z respectively) and copy of compromise mark X.

Yours faithfully,

Sd/- Dazy Bangarh, PCS, 24.05.2021

Judicial Magistrate Ist Class,

Rupnagar”

A perusal of the said report would show that the after recording the statements of the concerned persons, it has been found that the compromise is genuine, voluntary and without any coercion or undue influence from any side and none of the petitioners have been declared proclaimed offender nor any such proceeding is pending against the said persons.

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/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 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.

In view of what has been discussed hereinabove, the petition is allowed and FIR No.188 dated 17.12.2020 registered under Section 420 of the Indian Penal Code, 1860 at Police Station Chamkaur Sahib, District Rupnagar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of the compromise (Annexure P-2), are ordered to be quashed, qua the petitioners.

15.09.2021

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No