

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

(213)

CRM-M-16317-2021.

Date of Decision:-12.11.2021.

Harpreet Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. L.M. Gulati, Advocate for the petitioners.

Mr. Karanbir Singh, AAG, Punjab, for respondent No.1.

None for respondent Nos.2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of case FIR No.148 dated 09.07.2020 (Annexure P-1), registered under Sections 323, 324, 341, 336, 506, 148 and 149 of IPC at Police Station Chattiwind, District Amritsar and all consequential proceedings arising therefrom, on the basis of compromise/affidavits (Annexures P-2 and P-3).

On 02.09.2021, a Co-ordinate Bench of this Court had passed the following order:-

“The case has been taken up for hearing through video-conferencing.

On 27.04.2021, learned State counsel sought time to file reply.

Today, learned State counsel submits that the State does not wish to file reply.

CRM-M-16317-2021

Prayer made in this petition is for quashing of FIR as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 12.11.2021.

In the meanwhile, parties would appear before the Illaqa Magistrate on 15.09.2021 for recording their statements. The concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.”

In pursuance of the said order, the report has been submitted by the Civil Judge (Junior Division)-cum-Judicial Magistrate First Class, Amritsar to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“4. From the statement of complainants Gursewak Singh and Kulwinder Kaur and accused persons so recorded by the undersigned, the compromise arrived at between the parties apparently appears to be genuine, voluntary and out of free will of the parties, without their being any sort of pressure or coercion from any corner.

5. Kindly find enclosed herewith photocopies of statements of the complainants, accused persons, photo copies of their aadhar cards and photocopy of statement of ASI Jagtar Singh No.1539/ASR of P.S. Chattiwind, Amritsar.

CRM-M-16317-2021

7. *The report with regard to compromise on the basis of statement of the parties along-with statements of the parties, as directed by the Hon'ble High Court, is accordingly being submitted for perusal of His Lordship please.*

Accordingly the report is being submitted.

Thanking you,

Your's faithfully,

*(Tushar Kaur Thind, PCS)
Judicial Magistrate First Class,
Amritsar. UID PB0466."*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with their own free will and without any coercion. The compromise has been found to be genuine and valid. As per the said report, it has been observed that none of the persons have been declared as proclaimed offenders in the present case and no other case is pending between the parties.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that this fact is correct.

This Court has heard the learned counsel for the petitioners as well as the learned State counsel and has perused the file. After perusing the report submitted by the learned trial Court, this Court finds that the

CRM-M-16317-2021

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.

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

CRM-M-16317-2021

*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.148 dated 09.07.2020 (Annexure P-1), registered under Sections 323, 324, 341, 336, 506, 148 and 149 of IPC at Police Station Chattiwind, District Amritsar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

November 12, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No