

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CRM-M-16860-2021

Date of decision : 26.11.2021

Swaran Singh @ Sarwan Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr.Ritesh Pandey, Advocate  
for the petitioner.

Mr.Sarabjit Singh, AAG, Punjab.

**VIKAS BAHL, J.(ORAL)**

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.91 dated 02.04.2020 registered under Sections 427, 341, 323, 188, 269, 379-B, 471, 148, 149 IPC at Police Station Civil Line Batala, District Batala and all other consequential proceedings arising therefrom on the basis of compromise dated 06.05.2020 (Annexure P-2).

On 25.08.2021, a co-ordinate Bench of this Court was pleased to pass the following order:-

*“ By filing this petition, quashing of FIR No.91 dated 02.04.2020 under Sections 427, 341, 323, 188, 269, 379-B, 471, 148, 149 IPC registered at Police Station Civil Line Batala (Annexure P-1) and all other consequent proceedings arising therefrom has been sought on the basis of compromise dated 06.05.2020 (Annexure P-2).*

*Notice of motion.*

*Mr. Sarabjeet Singh Cheema, AAG, Punjab accepts notice on behalf of respondent No.1-State.*

*Parties may appear before concerned trial Court/Duty Magistrate on 20.09.2021 or on any other date convenient to the said Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report:*

- i) regarding genuineness and voluntary nature of the compromise;*
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioners.*

*Adjourned to 26.11.2021.”*

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

*“i. After considering the statements of the parties as well as IO, this Court is of the view that the compromise between the parties is genuine, voluntary and without any coercion and undue influence*

*ii. All the accused-petitioners are appearing before the Court and are on bail.*

*iii. No other proceeding is pending against the present accused-petitioners except the FIR in question.*

*The copy of the Adhaar Card of the complainant-respondent is Ex. CI, copy of compromise deed Ex.C-2 and the copies of the Aadhar Cards of the petitioners/accused are Ex.A1 to A-8. ”*

A perusal of the above said report would show that the

compromise in the present case has been found to be genuine, voluntary and, without any coercion or undue influence.

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 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 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”*

In view of what has been discussed hereinabove, this petition is allowed and No.91 dated 02.04.2020 registered under Sections 427, 341, 323, 188, 269, 379-B, 471, 148, 149 IPC at Police Station Civil Line Batala, District Batala, and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

**(VIKAS BAHL)**  
**JUDGE**

**November 26, 2021**

*Davinder Kumar*

Whether speaking / reasoned  
Whether reportable

Yes/No  
Yes/No