

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-14618-2019 (O&M)

Date of decision : 21.12.2021

Satnam Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ravi Malhotra, Advocate
for the petitioners.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr.Ashish Bakshi, Advocate for
Mr.Naveen Upadhyay, Advocate
for respondents no.2 and 3.

VIKAS BAHL, J.(ORAL)

CRM-43241-2021

This is an application under Section 482 Cr.P.C. for
preponement of the main petition which is stated to be fixed for 12.07.2022.

Learned counsel for the petitioners and learned counsel for
respondents no.2 and 3 have submitted that in the present case, the matter
has been compromised and statements of parties have also been recorded
and the report has been submitted by the trial Court.

Learned State counsel has stated that he has no objection in
case the present application is allowed as the matter has been compromised.

In view of the above, the present application is allowed and the
main petition is preponed from 12.07.2022 to today and is taken up on

Board for hearing.

CRM-M-14618-2019

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.113 dated 28.06.2018 registered under Sections 323, 324, 506, 148, 149 IPC and Section 326 IPC added later on at Police Station Kartarpur, District Jalandhar Rural and all other consequential proceedings arising therefrom on the basis of compromise dated 13.03.2019 (Annexure P-2).

On 29.03.2019, a coordinate Bench of this Court had passed the following order:-

“ Learned counsel for the petitioners has while referring to Annexure P-2 contended that a compromise has been effected between the parties and prayed for quashing of FIR No.113 dated 28.06.2018 (Annexure P-1) registered under Sections 323, 324, 506, 148, 149 and 326 of the IPC at Police Station Kartarpur, District Jalandhar.

Notice of motion for 24.04.2019.

At the asking of the Court, Mr. Kirat Singh Sidhu, DAG, Punjab accepts notice on behalf of respondent No.1-State. A complete copy of the paper book has been supplied to the learned State Counsel.

At this stage, Mr. Naveen Upadhyay, Advocate has appeared on behalf of respondents No.2 and 3 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 09.04.2019 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report, before the next date of hearing, 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. 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.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.”

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

“Respected Sir,

I have the honour to submit that in compliance to the order dated 29.03.2019 of Hon'ble Punjab and Haryana High Court, Chandigarh passed in CRM-M-14618 of 2019, the General Power of Attorney of complainant Nachhattar Singh and accused Satnam Singh, Balkaran Singh, Jaskaran Singh and Chanchal Singh have appeared and their statements have been recorded. The report is submitted as under:

- 1. As per the statement of Investigating Officer there are four persons arrayed as accused in the FIR.*
- 2. As per the statement of Investigating Officer, none of the accused is proclaimed offender.*
- 3. As per the statement of General Power of Attorney of complainant Nachhattar Singh and accused persons they have entered into Compromise with their free consent and without any pressure, coercion, undue influence and inducement from any quarter. The said compromise seems to be genuine, voluntary and without any coercion or undue influence.*
- 4. As per the statement of Investigating Officer, the*

accused persons are not involved in any other case.

5. *As per the statement of Investigating Officer, there are two injured/victims namely Jatinder Singh and Nachhattar Singh in the present FIR.*

Submitted please,

Yours faithfully,

Sd/-

*(Harshbir Sandhu), PCS,
Judicial Magistrate 1st class,
Jalandhar ”*

A perusal of the above said report would show that the compromise in the present case has been found to be voluntary, 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.

In the present case, respondent no.2 has appeared through respondent no.3 who is his father-General Power of Attorney and reference has been made to the General Power of Attorney which is at page 21 of the paper book and as per clause 5 of the said General Power of Attorney, respondent no.3 has been made entitled to make a statement and to enter into a compromise in the matter on his behalf.

Learned counsel for respondent no.2 and 3-complainant and injured 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 prayed that FIR and subsequent

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 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 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.113 dated 28.06.2018 registered under Sections 323, 324, 506, 148, 149 IPC and Section 326 IPC added later on at Police Station Kartarpur, District Jalandhar Rural and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 21, 2021
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No