

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

226

**CRM-M-22323-2021
Decided on : 16.09.2021**

Ekamjot Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL
(Through Video Conferencing)**

PRESENT: Mr. A. P. S. Sandhu, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Gursimranjeet Singh, Advocate
for respondents No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing FIR No. 76 dated 31.03.2021 under Sections 323 and 324 IPC, 1860 registered at Police Station Civil Lines, District Police Commissionerate Amritsar and all subsequent proceedings arising therefrom on the basis of compromise deed dated 09.04.2021 (Annexure P-2).

When the matter came up before this Court on 16.08.2021, the following order was passed:-

“This is a petition under Section 482 Cr.P.C. for quashing of FIR No.0076 (Annexure P-1) dated 31.03.2021 registered under Sections 323, 324 IPC at Police Station Civil Lines, District Police, Commissionerate, Amritsar and all ancillary proceedings emanating therefrom on the basis of compromise dated 09.04.2021 (Annexure P-2).

A perusal of the FIR would show that as per the allegations,

the petitioner was accompanied by another person who is not a petitioner before this Court.

Learned counsel for the petitioner has vehemently submitted that in fact no such other person was there and, thus, the question of disclosing his name does not arise. Learned counsel for the complainant is also present and he has stated that the complainant has compromised the matter and does not wish to pursue the FIR and is also ready to make a statement before the learned Illaqa Magistrate/trial Court that the entire FIR against all persons be quashed.

Learned State counsel has submitted that a perusal of the reply moreso, paragraph 6 thereof would show that the petitioner was asked to disclose the identity of his co-accused but the petitioner has stated that he did not know any thing about him. The petitioner had further stated that the other person was just a passerby who had intervened of his own.

This is a unique case in which the learned counsel for the petitioner has argued that there is no other person involved and in case any such person was involved, then they would not have been shy of giving his name inasmuch as the matter has been compromised. The counsel has further argued that even as per the reply of the State, the Board of Doctors are of the opinion that the injury No.1 is doubtful.

Thus, keeping in view the above said facts and circumstances, moreso, the argument of the learned counsel for the complainant to the effect that the complainant is ready to give a statement that entire FIR be quashed as he wants to live a peaceful life, the parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of two weeks.

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.

Adjourned to 16.09.2021. ”

In pursuance of the said order, a compliance report has been submitted by the Chief Judicial Magistrate, Amritsar, to the Assistant Registrar (Criminal) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“i. That the present case was got registered by complainant Makhan Singh against accused Ekamjot Singh and an unidentified person. However, no other person has been nominated as accused till date.

ii. That as per the statements of the parties and the Investigating Officer, only the abovenamed one accused is involved in this case.

iii. That as per the statement of Investigating Officer and as per record, the accused has not been declared as proclaimed offender in this case.

iv. That as per the statements of the parties and the Investigating Officer, the accused did not remain involved in any other criminal activity except the present case.

v. That there is only one victim namely Makhan Singh. The case is still at investigation stage and the challan has not been presented so far.

vi. That from the statements of the complainant and the accused, I am satisfied that compromise between the parties is genuine and valid, and without any coercion or undue influence from any corner.

Submitted please.”

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.

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and he was not declared proclaimed offender in the present case. Learned counsel for the State has submitted that this fact is correct.

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. 76 dated 31.03.2021 under Section 323 and 324 IPC, 1860 registered at Police Station Civil Lines, District Police Commissionerate Amritsar and proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

Since the main petition has been decided, pending Criminal Miscellaneous Application, if any, shall stand disposed of.

(VIKAS BAHL)
JUDGE

16.09.2021
Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No